



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



James E. Hartl, AICP
Director of Planning

April 8, 2005

Honorable Board of Supervisors
County of Los Angeles
Kenneth Hahn Hall of Administration, Room 383
500 West Temple Street
Los Angeles, California 90012

**ZONE CHANGE CASE NO. 02-230-(5)
CONDITIONAL USE PERMIT CASE NO. 02-230-(5)
PETITIONER: SAM MANFREDI
PALMDALE ZONED DISTRICT
FIFTH SUPERVISORIAL DISTRICT (3-VOTE)**

Dear Supervisors:

IT IS RECOMMENDED THAT THE BOARD AFTER THE PUBLIC HEARING:

1. Consider the Mitigated Negative Declaration for Zone Change Case No. 02-230-(5) and Conditional Use Permit Case No. 02-230-(5), together with any comments received during the public review process, find on the basis of the whole record before the Board that there is no substantial evidence the project will have a significant effect on the environment, find that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Board, and adopt the Mitigated Negative Declaration and Mitigation Monitoring Program.
2. Instruct County Counsel to prepare an ordinance to change zones within the Palmdale Zoned District as recommended by the Regional Planning Commission (Zone Change Case No. 02-230-(5)).
3. Instruct County Counsel to prepare the necessary findings to affirm the Regional Planning Commission's approval of Conditional Use Permit Case No. 97-172-(5).

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Update the zoning on the subject property to allow the property owner to develop an automobile service station, a mini-mart and a restaurant and establish development

standards that ensure future development on the subject property will be compatible with the goals and policies of the Antelope Valley Areawide General Plan and the Countywide General Plan.

Implementation of Strategic Plan Goals

This zone change promotes the County's Strategic Plan goal of Service Excellence. The zone change will allow development of an underused site and promote economic growth within the unincorporated community of Palmdale, in compliance with the Antelope Valley Areawide General Plan. The project components (zone change and conditional use permit) were carefully researched and analyzed to ensure that quality information regarding the subject property is available.

FISCAL IMPACT/FINANCING

Adoption of the proposed zone change and approval of the conditional use permit should not result in any new significant costs to the County or to the Department of Regional Planning; no request for financing is being made.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The Regional Planning Commission conducted concurrent public hearings on Zone Change and Conditional Use Permit Case Nos. 02-230-(5) on September 8, 2004. The two zoning requests before the Commission were: 1) a zone change from the existing A-1-1 (Light Agriculture-One Acre Minimum Required Area) to C-2-DP (Neighborhood Business-Development Program) zoning on the entire 5.44 acres, and 2) a conditional use permit to authorize construction, operation and maintenance of an automobile service station, a mini-mart and a restaurant. The Regional Planning Commission voted (5-0) to recommend approval of the requested zone change and to approve the conditional use permit at its February 16, 2005 meeting.

Pursuant to subsection B.2 of Section 22.60.230 of the County Code, the conditional use permit is deemed to be called for review by your Board and shall be considered concurrently with the recommended zone change. A public hearing is required pursuant to Sections 22.16.200 and 22.60.240 of the County Code and Sections 65355 and 65856 of the Government Code. Notice of the hearing must be given pursuant to the procedures set forth in Section 22.60.174 of the County Code. These procedures exceed the minimum standards of Government Code Sections 6061, 65090, 65355 and 65856 relating to notice of public hearing.

ENVIRONMENTAL DOCUMENTATION

An Initial Study was prepared for this project in compliance with the California Environmental Quality Act (CEQA) and the environmental document reporting procedures and guidelines of the County of Los Angeles. The Initial Study identified potentially significant effects of the project on drainage and grading, fire, noise, water quality, utilities; and traffic and access. Prior to the release of the proposed Mitigated Negative Declaration and Initial Study for public review, the applicant made or agreed to revisions in the project that would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur. The Initial Study and project revisions showed that there is no substantial evidence, in light of the whole record before the Commission, that the project as revised may have a significant effect on the environment. Based on the Initial Study and project revisions, the Department of Regional Planning has prepared a Mitigated Negative Declaration for this project. Conditions or changes in the proposed project are necessary in order to assure the proposed project will not have a significant effect on the environment, and such conditions or changes have been included in the Mitigation Monitoring Program.

Based on the Mitigated Negative Declaration, adoption of the proposed zone change and approval of the conditional use permit will not have a significant effect on the environment.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Action on the proposed zone change and conditional use permit is not anticipated to have a negative impact on current services.

Respectfully Submitted,

DEPARTMENT OF REGIONAL PLANNING
James E. Hartl, AICP, Director of Planning

A handwritten signature in black ink, appearing to read "Frank Meneses", is written over a horizontal line.

Frank Meneses, Administrator
Current Planning Division

**Honorable Board of Supervisors
Zone Change/
Conditional Use Permit Case No. 02-230-(5)**

Page 4 of 4

Attachments: Commission Resolutions, Findings & Conditions, Staff Report & Attachments

C: Chief Administrative Officer
County Counsel
Assessor
Director, Department of Public Works

FM:RJF:SZD

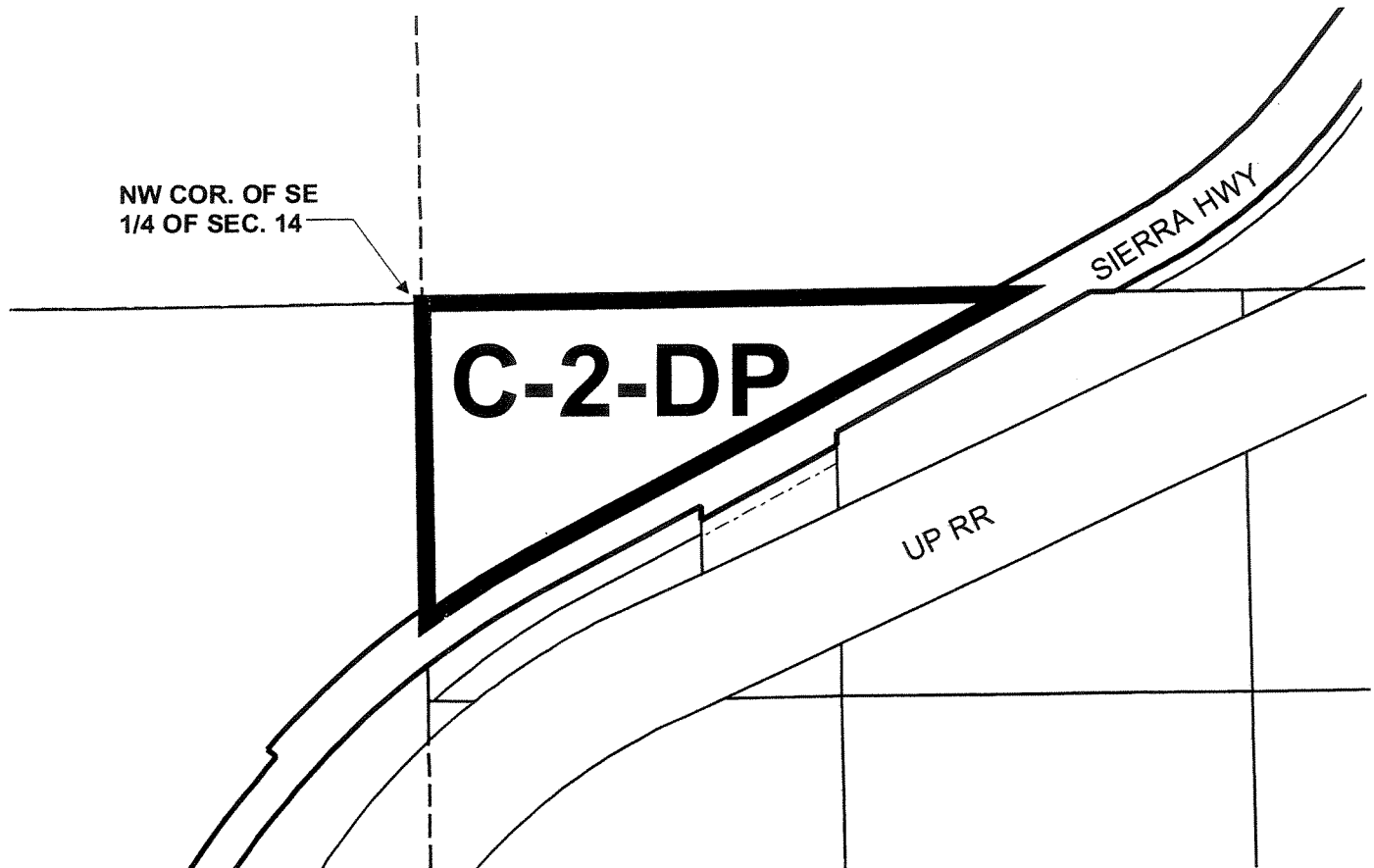
CHANGE OF PRECISE PLAN
PALMDALE ZONED DISTRICT

ADOPTED BY ORDINANCE: _____

ON: _____

ZONING CASE: ZC 00-230-(5)

AMENDING SECTION: 22.16.230 OF THE COUNTY CODE



LEGAL DESCRIPTION:

THAT PORTION OF THE NW 1/4 OF THE SE 1/4 OF SECTION 14, TOWNSHIP 05 N, R12W, SAN BERNARDINO MERDIAN, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND OFFICE APRIL 22, 1880, LYING N'LY OF THE N'LY LINE OF SIERRA HIGHWAY; 60' WIDE, AS DESCRIBED IN THE DEED TO THE COUNTY OF LOS ANGELES, RECORDED ON JANUARY 10, 1917 AS DOCUMENT No. 125, IN THE BOOK 6407, PAGE 179 OF DEEDS.

LEGEND:

- ZONE CHANGE AREA
- PARCELS
- STREET / RIGHT OF WAY
- LOT LINE
- CUT/DEED LINE
- EASEMENT LINE



0 150 300
FEET

COUNTY ZONING MAP
300H253

DIGITAL DESCRIPTION: \ZCO\ZD_PALMDALE\

THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
WAYNE REW CHAIR
JAMES E. HARTL PLANNING DIRECTOR

**THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
ZONE CHANGE CASE NO. 02-230-(5)**

WHEREAS, the Regional Planning Commission of the County of Los Angeles has conducted a public hearing in the matter of Zone Change Case No. 02-230-(5) on September 8, 2004; and,

WHEREAS, the Regional Planning Commission finds as follows:

1. The applicant is requesting a change of zone from A-1-1 (Light Agricultural-One Acre Required Area) to C-3-DP (Unlimited Commercial-Development Program) on a 5.4-acre parcel. The DP-Development Program will assure that development occurring after rezoning will conform to the approved plans and will ensure compatibility with the surrounding area. As applied to this case, the conditional use permit will restrict the development of the re-zoned site to an automobile service station, a mini-mart and a restaurant as shown on the site plan marked Exhibit "A." No other development is permitted on the property unless a new conditional use permit is obtained.
2. The subject property located on the north side of Sierra Highway, between the Antelope Valley Freeway and Pearblossom Highway, in the Palmdale Zoned District. The current A-1-1 zoning on the subject property became effective on September 4, 1953.
3. The zone change request was heard concurrently Conditional Use Permit Case No. 02-230-(5) at the September 8, 2004 public hearing. The Commission received verbal and written testimony regarding the request. The Commission determined a C-1 (Restricted Business) or C-2 (Neighborhood Business) zoning is more suitable for the subject property and compatible with surrounding uses, as no other property in area is zoned C-3 and the applicant's proposed uses are also permitted in the C-1 and C-2 zones. Separated by Sierra Highway, the commercial development on the south side of subject property was rezoned in 1988 from A-1-1 to C-1-DP. The Commission concluded that the proposed C-3 zoning would allow a broader range of permitted commercial uses and some of these uses would be more intensive than the current proposal. With an approved conditional use permit, the property can be used for any permitted uses in the C-3 zone; the recommended conditions of approval and mitigation measures may not be able to anticipate some of these uses and ensure compatibility for future development. The C-2 zone will provide a more effective management to subsequent developments and ensure compatibility with surrounding land uses. This zoning designation would still allow the applicant to proceed with his development proposal.
4. Conditional Use Permit Case No. 02-230-(5) is a related request to authorize the construction, operation and maintenance of an automobile service station, a mini-

mart and a restaurant with a drive-through window with appurtenant parking and landscaping, and ensure compliance with the requirements of the Development Program zone.

5. The site plan for the conditional use permit, labeled Exhibit "A", shows a 5.4-acre subject property developed with a 4,000 square foot building comprised of a service station (1,100 square feet) and a mini-mart and restaurant (2,900 square feet). A 12-foot wide drive-through lane is proposed for the restaurant. An 80'x100' (8,000) square foot canopy covering the gas pumping station is depicted. The proposed sewage disposal field, water tank and water well are depicted along the western property line. Twenty-six parking spaces are depicted (24 standard, 2 handicapped). Access to the site will be provided by a driveway via Sierra Highway to the south.
6. The triangular shape subject property is currently vacant with flat to gently sloping topography. Access to the property is via Sierra Highway to the south.
7. Surrounding properties are zoned A-1-1 to the north, east and west. To the south are properties zoned A-1-1 and C-1-DP (Restricted Business-Development Program). Surrounding land uses consist of vacant properties and the Antelope Valley Freeway to the west, and vacant properties to north and east. A real estate office and single-family residences, separated by Sierra Highway, are located to the south.
8. The project site is designated "Non-Urban 1" in the Antelope Valley Areawide General Plan ("Plan"). The Plan allows for non-residential uses in non-urban areas subject to the public hearing process and appropriate conditioning of the design of the project, to eliminate or minimize adverse impacts on adjacent land uses. The Commercial land use category of the Plan discusses appropriate areas which may be put to highway-oriented commercial uses. These uses would consist of highway or roadside facilities and services of a minor nature such as gas stations, cafes, motels and other uses providing a service to the traveling public. The proposed development is an automobile service station which is sufficiently buffered from the adjacent residential neighborhood. The development has been designed not to adversely affect traffic conditions on adjacent street and highways. The proposed zone changes from A-1-1 to C-2-DP are consistent with the goals and objectives of the Countywide General Plan and the Antelope Valley Areawide General Plan.
9. A need for the proposed zone classification exists within the local community to meet the demand for locally serving commercial development.
10. Although the subject property and surrounding properties are zoned A-1 (Light Agricultural), modified conditions warrant a revision in the zoning of the subject property in that the properties have not been developed with agriculture uses, but

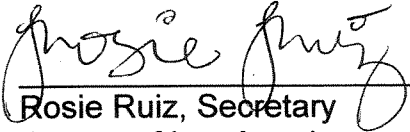
with single-family residences. The commercial zoning is required to allow the development of service and retail facilities to serve the local residents and the traveling public along the Antelope Valley Freeway and Sierra Highway.

11. The subject property is a proper location for the proposed C-2-DP zoning classification and placement of the proposed zone at such location will be in the interest of public health, safety and general welfare, and in conformity with good zoning practice. The subject property is located within close proximity to the Antelope Valley Freeway and fronts on Sierra Highway, a County Designated Major Highway. The applicant will provide on-site parking and road improvements in accordance to County Code. Impacts to public services and circulation patterns will be mitigated in accordance with County requirements. In addition, the Development Program designation added to the C-2 zoning will assure that development occurring after rezoning will conform to the approved plans; compatibility with surrounding land uses will be ensured through the conditions of approval of the related conditional use permit and the development program contained therein.
12. An Initial Study was prepared for this project in compliance with the California Environmental Quality Act (CEQA) and the environmental document reporting procedures and guidelines of the County of Los Angeles. The Initial Study identified potentially significant effects of the project regarding drainage and grading, fire, noise, water quality, utilities; and traffic and access. Prior to the release of the proposed Mitigated Negative Declaration and Initial Study for public review, the applicant made or agreed to revisions in the project that would avoid significant effects or mitigate the effects to a point where no significant effects would occur. The Initial Study and project revisions showed that there is no substantial evidence, in light of the whole record before the Commission, that the project as revised may have a significant effect on the environment. Based on the Initial Study and project revisions, the Department of Regional Planning has prepared a Mitigated Negative Declaration for this project. Conditions or changes in the proposed project are necessary in order to assure the proposed project will not have a significant effect on the environment; such conditions or changes have been included in the Mitigation Monitoring Program prepared for the project. The applicant will be required to comply with all provisions in the Mitigation Monitoring Program as a condition of approval of this grant.
13. After consideration of the attached Mitigated Negative Declaration together with any comments received during the public review process, the Commission finds on the basis of the whole record before the Commission, that there is no substantial evidence the proposed change of zone will have a significant effect on the environment, finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Commission, and adopts the Mitigated Negative Declaration and Mitigation Monitoring Program for the project.

NOW THEREFORE BE IT RESOLVED, that the Regional Planning Commission of the County of Los Angeles recommends that the Board of Supervisors:

1. That the Board of Supervisors hold a public hearing to consider the recommended changes of zone from A-1-1 (Light Agricultural-one acre minimum required area) to C-2-DP (Neighborhood Business-Development Program) on the 5.4-acre subject property, with development restrictions as provided by the related Conditional Use Permit Case No. 02-230-(3).
2. That the Board of Supervisors certify completion of and approve the attached Mitigated Negative Declaration and Mitigation Monitoring Program, and determine that Zone Change Case No. 02-230-(5) will not have a significant impact upon the environment.
3. That the Board of Supervisors find the recommended zoning is consistent with the goals, policies and programs of the Los Angeles County General Plan.
4. That the Board of Supervisors find that the public convenience, the general welfare and good zoning practice justify the recommended change of zone.
5. That the Board of Supervisors adopt the above recommended Zone Change No. 02-230-(5), changing the zoning classification on the property as depicted on the attached Exhibit and described hereinabove.

I hereby certify that the foregoing resolution was adopted by a majority of the voting members of the Regional Planning Commission in the County of Los Angeles on **February 16, 2005**.



Rosie Ruiz, Secretary
County of Los Angeles
Regional Planning Commission



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



CERTIFIED MAIL - RETURN RECEIPT REQUESTED

James E. Hartl, AICP
Director of Planning

February 16, 2005

Sam Manfredi
3262 E. Thousand Oaks Boulevard, Suite 200
Westlake Village, CA 91362-3400

RE: ZONE CHANGE AND CONDITIONAL USE PERMIT CASE NO. 02-230-(5)

Dear Applicant:

PLEASE NOTE: This document contains the Regional Planning Commission's findings and conditions relating to **APPROVAL** of the above referenced Conditional Use Permit as well as their recommendation for **APPROVAL** to the Board of Supervisors of the related zone change.

Your attention is called to condition number 3 of the Conditional Use Permit which states that this grant shall not become effective until the Board of Supervisors has adopted the zone change submitted concurrently with this application.

Pursuant to Section 22.60.230, subsection B.2, when the Regional Planning Commission makes a recommendation on a legislative action concurrently with approval of a nonlegislative land use application, the Board of Supervisors shall call the nonlegislative application up for concurrent review. Please be advised that this may result in modification of the findings and/or conditions attached hereto.

Payment of fees required by the conditions of approval will not be accepted until the Board of Supervisors has approved the zone change.

Very truly yours,

Department of Regional Planning
James E. Hartl, AICP
Director of Planning

Russell J. Fricano, Ph.D., AICP
Zoning Permits Section I

RJF:SZD

Enclosures: Findings and Conditions

c: Board of Supervisors, Department of Public Works (Building and Safety), Department of Public Works (Subdivision Mapping), Zoning Enforcement, City of Palmdale, Christina Carlon

**THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
ZONE CHANGE CASE NO. 02-230-(5)**

WHEREAS, the Regional Planning Commission of the County of Los Angeles has conducted a public hearing in the matter of Zone Change Case No. 02-230-(5) on September 8, 2004; and,

WHEREAS, the Regional Planning Commission finds as follows:

1. The applicant is requesting a change of zone from A-1-1 (Light Agricultural-One Acre Required Area) to C-3-DP (Unlimited Commercial-Development Program) on a 5.4-acre parcel. The DP-Development Program will assure that development occurring after rezoning will conform to the approved plans and will ensure compatibility with the surrounding area. As applied to this case, the conditional use permit will restrict the development of the re-zoned site to an automobile service station, a mini-mart and a restaurant as shown on the site plan marked Exhibit "A." No other development is permitted on the property unless a new conditional use permit is obtained.
2. The subject property located on the north side of Sierra Highway, between the Antelope Valley Freeway and Pearblossom Highway, in the Palmdale Zoned District. The current A-1-1 zoning on the subject property became effective on September 4, 1953.
3. The zone change request was heard concurrently Conditional Use Permit Case No. 02-230-(5) at the September 8, 2004 public hearing. The Commission received verbal and written testimony regarding the request. The Commission determined a C-1 (Restricted Business) or C-2 (Neighborhood Business) zoning is more suitable for the subject property and compatible with surrounding uses, as no other property in area is zoned C-3 and the applicant's proposed uses are also permitted in the C-1 and C-2 zones. Separated by Sierra Highway, the commercial development on the south side of subject property was rezoned in 1988 from A-1-1 to C-1-DP. The Commission concluded that the proposed C-3 zoning would allow a broader range of permitted commercial uses and some of these uses would be more intensive than the current proposal. With an approved conditional use permit, the property can be used for any permitted uses in the C-3 zone; the recommended conditions of approval and mitigation measures may not be able to anticipate some of these uses and ensure compatibility for future development. The C-2 zone will provide a more effective management to subsequent developments and ensure compatibility with surrounding land uses. This zoning designation would still allow the applicant to proceed with his development proposal.
4. Conditional Use Permit Case No. 02-230-(5) is a related request to authorize the construction, operation and maintenance of an automobile service station, a mini-

mart and a restaurant with a drive-through window with appurtenant parking and landscaping, and ensure compliance with the requirements of the Development Program zone.

5. The site plan for the conditional use permit, labeled Exhibit "A", shows a 5.4-acre subject property developed with a 4,000 square foot building comprised of a service station (1,100 square feet) and a mini-mart and restaurant (2,900 square feet). A 12-foot wide drive-through lane is proposed for the restaurant. An 80'x100' (8,000) square foot canopy covering the gas pumping station is depicted. The proposed sewage disposal field, water tank and water well are depicted along the western property line. Twenty-six parking spaces are depicted (24 standard, 2 handicapped). Access to the site will be provided by a driveway via Sierra Highway to the south.
6. The triangular shape subject property is currently vacant with flat to gently sloping topography. Access to the property is via Sierra Highway to the south.
7. Surrounding properties are zoned A-1-1 to the north, east and west. To the south are properties zoned A-1-1 and C-1-DP (Restricted Business-Development Program). Surrounding land uses consist of vacant properties and the Antelope Valley Freeway to the west, and vacant properties to north and east. A real estate office and single-family residences, separated by Sierra Highway, are located to the south.
8. The project site is designated "Non-Urban 1" in the Antelope Valley Areawide General Plan ("Plan"). The Plan allows for non-residential uses in non-urban areas subject to the public hearing process and appropriate conditioning of the design of the project, to eliminate or minimize adverse impacts on adjacent land uses. The Commercial land use category of the Plan discusses appropriate areas which may be put to highway-oriented commercial uses. These uses would consist of highway or roadside facilities and services of a minor nature such as gas stations, cafes, motels and other uses providing a service to the traveling public. The proposed development is an automobile service station which is sufficiently buffered from the adjacent residential neighborhood. The development has been designed not to adversely affect traffic conditions on adjacent street and highways. The proposed zone changes from A-1-1 to C-2-DP are consistent with the goals and objectives of the Countywide General Plan and the Antelope Valley Areawide General Plan.
9. A need for the proposed zone classification exists within the local community to meet the demand for locally serving commercial development.
10. Although the subject property and surrounding properties are zoned A-1 (Light Agricultural), modified conditions warrant a revision in the zoning of the subject property in that the properties have not been developed with agriculture uses, but

with single-family residences. The commercial zoning is required to allow the development of service and retail facilities to serve the local residents and the traveling public along the Antelope Valley Freeway and Sierra Highway.

11. The subject property is a proper location for the proposed C-2-DP zoning classification and placement of the proposed zone at such location will be in the interest of public health, safety and general welfare, and in conformity with good zoning practice. The subject property is located within close proximity to the Antelope Valley Freeway and fronts on Sierra Highway, a County Designated Major Highway. The applicant will provide on-site parking and road improvements in accordance to County Code. Impacts to public services and circulation patterns will be mitigated in accordance with County requirements. In addition, the Development Program designation added to the C-2 zoning will assure that development occurring after rezoning will conform to the approved plans; compatibility with surrounding land uses will be ensured through the conditions of approval of the related conditional use permit and the development program contained therein.
12. An Initial Study was prepared for this project in compliance with the California Environmental Quality Act (CEQA) and the environmental document reporting procedures and guidelines of the County of Los Angeles. The Initial Study identified potentially significant effects of the project regarding drainage and grading, fire, noise, water quality, utilities; and traffic and access. Prior to the release of the proposed Mitigated Negative Declaration and Initial Study for public review, the applicant made or agreed to revisions in the project that would avoid significant effects or mitigate the effects to a point where no significant effects would occur. The Initial Study and project revisions showed that there is no substantial evidence, in light of the whole record before the Commission, that the project as revised may have a significant effect on the environment. Based on the Initial Study and project revisions, the Department of Regional Planning has prepared a Mitigated Negative Declaration for this project. Conditions or changes in the proposed project are necessary in order to assure the proposed project will not have a significant effect on the environment; such conditions or changes have been included in the Mitigation Monitoring Program prepared for the project. The applicant will be required to comply with all provisions in the Mitigation Monitoring Program as a condition of approval of this grant.
13. After consideration of the attached Mitigated Negative Declaration together with any comments received during the public review process, the Commission finds on the basis of the whole record before the Commission, that there is no substantial evidence the proposed change of zone will have a significant effect on the environment, finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Commission, and adopts the Mitigated Negative Declaration and Mitigation Monitoring Program for the project.

NOW THEREFORE BE IT RESOLVED, that the Regional Planning Commission of the County of Los Angeles recommends that the Board of Supervisors:

1. That the Board of Supervisors hold a public hearing to consider the recommended changes of zone from A-1-1 (Light Agricultural-one acre minimum required area) to C-2-DP (Neighborhood Business-Development Program) on the 5.4-acre subject property, with development restrictions as provided by the related Conditional Use Permit Case No. 02-230-(3).
2. That the Board of Supervisors certify completion of and approve the attached Mitigated Negative Declaration and Mitigation Monitoring Program, and determine that Zone Change Case No. 02-230-(5) will not have a significant impact upon the environment.
3. That the Board of Supervisors find the recommended zoning is consistent with the goals, policies and programs of the Los Angeles County General Plan.
4. That the Board of Supervisors find that the public convenience, the general welfare and good zoning practice justify the recommended change of zone.
5. That the Board of Supervisors adopt the above recommended Zone Change No. 02-230-(5), changing the zoning classification on the property as depicted on the attached Exhibit and described hereinabove.

I hereby certify that the foregoing resolution was adopted by a majority of the voting members of the Regional Planning Commission in the County of Los Angeles on **February 16, 2005**.

Rosie Ruiz, Secretary
County of Los Angeles
Regional Planning Commission

ZONE CHANGE/CONDITIONAL USE PERMIT CASE NO. 02-230-(5)

**FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES**

**REGIONAL PLANNING COMMISSION HEARING DATE: SEPTEMBER 8,
2004**

SYNOPSIS:

The applicant is requesting a Conditional Use Permit to authorize development of an automobile service station, a mini-mart and a restaurant with a drive-through window with appurtenant parking and landscaping on the subject property.

The applicant is concurrently requesting a change of zone from A-1-1 (Light Agricultural-one acre minimum required area) to C-3 (Unlimited Commercial) on 5.4 acres.

PROCEEDINGS BEFORE THE COMMISSION

September 8, 2004 Public Hearing

A duly noticed public hearing was held before the Regional Planning Commission on September 8, 2004. All Commissioners were present. Two people were sworn in, the owner/applicant and his representative, and testified in favor of the request.

There was discussion regarding the applicant proposed C-3 zoning and staff's recommendation of a C-1 or C-2 designation for the subject property. The Commission preferred to allow the lowest commercial designation but still allow the applicant to implement his development plan. The Commission determined a C-1 (Restricted Business) or C-2 (Neighborhood Business) zoning designations is more suitable for the subject property and compatible with surrounding uses, as no other property in the area is zoned C-3 and the applicant's proposed uses are also permitted in the C-1 or C-2 zones. The Commission concluded that the proposed C-3 zoning would allow a broader range of permitted commercial uses and some of these uses would be more intensive than the current proposal. With an approved conditional use permit, the property can be used for any permitted uses in the C-3 zone, the recommended conditions of approval and mitigation measures may not be able to anticipate some of these uses and ensure compatibility for future development. The applicant indicated his preference for a C-2 zoning designation. The Commission concluded that the C-2 zone will provide more effective management to subsequent development and still allow the applicant to proceed with his development proposal. Furthermore, the Development Program addendum will ensure compatibility with surrounding land uses.

The Commission also discussed the City of Palmdale's concerns, in its letter dated September 7, 2004. One of the City's request states that the development should served by public sewer and water. The Commission acknowledged that

such services for the proposed development would not be feasible at this time and the conditions of approval will require the development to comply with County guidelines regarding waste disposal.

There being no further testimony, the Commission voted (5-0) to close the public hearing, indicate its intent to approve the conditional use permit, and direct staff to prepare the final environmental documentation and findings and conditions for approval.

Findings

1. The applicant is requesting a Conditional Use Permit to authorize the construction, operation and maintenance of an automobile service station, a mini-mart and a restaurant with a drive-through window on 5.44 acres located on the north side of Sierra Highway, between the Antelope Valley Freeway and Pearblossom Highway.
2. The triangular shape subject property is currently vacant. Access to the property is via Sierra Highway to the south.
3. The subject property is currently zoned A-1-1 (Light Agricultural-one acre minimum required area). Concurrent with this approval, however, the Commission is recommending that the Board of Supervisors approve Zone Change Case No. 02-230. If approved by the Board of Supervisors, the subject property will be zoned C-2-DP (Neighborhood Business-Development Program). Approval of this permit will not become effective unless and until the Board of Supervisors has adopted an ordinance effecting the proposed changes of zone and such ordinance has become effective.
4. The project is consistent with the proposed C-2-DP zoning classification. Section 22.28.080 of the County Code provides that an automobile service station with a mini-mart and a restaurant are permitted in the C-2 zone, and pursuant to Section 22.40.040 of the County Code, property in a DP zone may be used for any use permitted in the basic zone, subject to the conditions and limitations of the conditional use permit and approved development program contained therein.
5. The surrounding properties are zone as follows:
 - North: A-1-1 (Light Agricultural-one acre minimum required area)
 - South: C-1-DP (Restricted Business-Development Program) and A-1-1
 - East: A-1-1
 - West: A-1-1
6. The triangular shape property is approximately 5.44 acres in size, comprise of rolling to flat topography.

7. Surrounding land uses consist of the following uses:

North: Vacant properties.
 South: A real estate office, single-family residences and vacant Properties.
 East: Vacant properties.
 West: Vacant properties and the Antelope Valley Freeway.

8. The project site is designated "Non-Urban 1" land use category in the Antelope Valley Areawide General Plan (AVAGP). This classification allows residential density up to one dwelling unit per two gross acres. This land use classification does not specifically address commercial development in these areas. However, the AVAGP allows for non-residential uses in non-urban areas subject to the public hearing process and appropriate conditioning of the design of the project, to eliminate or minimize adverse impacts on adjacent land uses. The Commercial land use category of the AVAGP discussed appropriate areas which may be put to highway-oriented commercial uses subject to the "unmapped Highway Oriented Commercial Conditions for Development." These uses would consist of highway or roadside facilities and services of a minor nature such as gas stations, cafes, motels and other uses providing a service to the traveling public subject to the following Unmapped Community Commercial Conditions for Development:

a. Location

- I. The proposed use should be located on freeways or major and secondary highways as shown on the Los Angeles County Highway Plan.
- II. The Proposed use should be located and designed so as not to invade or disrupt sound existing residential neighborhoods nor conflict with established community land use, parking and circulation patterns.
- III. The necessary public services should be readily available.

b. Scale

- I. The scale of highway oriented commercial uses, in terms of acreage and permitted floor areas, should be limited to that which can be justified by local community and neighborhood needs. In most instances, such uses, individually or in aggregate, should not exceed 10 acres in size.
- II. The overall scale and intensity of proposed highway oriented commercial uses should be in keeping with the surrounding neighborhood or community setting.

c. Design

- I. The site should be, to the extent possible, compact and regular in shape to minimize impacts upon adjacent noncommercial developments.
 - II. The facility should be designed and operated in such a fashion as to minimize the negative impacts upon adjacent lands.
- d. Access and Traffic
- I. The design of the project should insure that anticipated traffic generation does not adversely affect conditions on adjacent streets and highways. Wherever possible, access from adjacent interior residential streets should be prohibited.
 - II. Access, egress and on-site parking should be provided in a manner which maximizes safety and convenience, and minimizes adverse impacts on surrounding neighborhood and community land use patterns.

The project meets the criteria listed above in that 1) the subject property is located within close proximity to the Antelope Valley Freeway and fronts on Sierra Highway, a County Designated Major Highway, 2) all necessary public services will be provided according to County Standards, 3) the scale and intensity of the proposal is consistent with the development criteria, 4) the project has been designed to be sufficiently buffered from the adjacent residential neighborhood, and 5) Impacts to public services and circulation patterns will be mitigated in accordance with County requirements.

The project, as proposed and with the attached conditions and restrictions, is consistent with the Non-Urban 1 land use classification and complies with the applicable conditions for community commercial development in the AVAGP.

- 9. There are no previous zoning cases noted on the subject property.
- 10. The applicant's site plan, labeled Exhibit "A", shows a 5.4-acre subject property developed with a 4,000 square feet building comprised of a service station (1,100 square feet), a mini-mart and restaurant (2,900 square feet). The 12-foot wide drive-through lane is proposed for the restaurant. An 80'x100' (8,000) square feet canopy covering the gas pumping station is depicted. The proposed sewage disposal field, water tank and water well are depicted along the western property line. Twenty-six parking spaces are depicted (24 standard, 2 handicapped). Access to the site will be provided by a driveway via Sierra Highway to the south.

11. The proposed project complies with the development standards of the C-2 zone, as set forth in Section 22.28.170 of the County Code, as follows:

a. Pursuant to Section 22.28.170.A. of the County Code, no more than 90 percent of the net area of the subject property shall be occupied by buildings, with a minimum of 10 percent of the net area landscaped with a lawn, shrubbery, flowers and/or trees, which shall be continuously maintained in good condition. Incidental walkways, if needed, may be developed in the landscaped area. The applicant's site plan depicts approximately 20 percent (1.1 acres) of the net area occupied by buildings. The site plan depicts 4,800 square feet of landscaping, or approximately 10 percent of the 1.1-acre development area. The applicant's site plan is in compliance with the lot coverage and landscaping requirements of the C-2 zone.

b. Pursuant to Section 22.28.220.B. of the County Code, parking facilities shall be provided as required by Part 11 of Chapter 22.52. Pursuant to the County Code the parking requirements for the proposed commercial development are as follows:

Commercial - retail

(1) space/250 square feet of building

Restaurants -

(1) space/250 square feet for eating establishment selling food for off-site consumption and having no seating or other areas for on-site eating

Per Section 22.52.1060.E.2 of the County Code, a minimum of two percent of the gross area of the parking lot shall be landscaped. Landscaping shall be distributed throughout the parking lot, so as to maximize the aesthetic effect and compatibility with adjoining areas.

The site plan submitted by the applicant depicts the following commercial building square footage which is used to calculate the commercial/retail parking requirement.

4,000 square feet retail space/250 = 16 parking spaces required

The applicant's site plan depicts 26 parking spaces, 24 standard and 2 accessible to persons with disabilities. The applicant is required to provide one van accessible handicapped space. The site plan indicates a loading and unloading area of five feet in width, as a condition of approval a revised site plan to depict the handicapped parking space with an 8-foot loading area is required.

15. The applicant has not provided any sign plans or elevations. As a condition of approval of this grant, the applicant will be required to submit

sign plans and elevations in compliance with Section 22.52.870 of the County Code.

16. The applicant is required to submit a development program, consisting of a plot plan and a progress schedule, in accordance with Section 22.40.050 of the County Code. The plot plan shall show the location of all proposed structures; the alteration or demolition of any existing structures; development features, including grading, yards, walks, landscaping; height, bulk and arrangement of buildings and structures; signs, the color and appearance of buildings and structures, and other features as needed to make the development attractive, adequately buffered from adjacent more restrictive uses, and compatible in keeping with the character of the surrounding area. The applicant has provided a site plan depicting the proposed development on the property.
17. Pursuant to Section 22.40.050.B. of the County Code, a progress schedule is required, which shall include all phases of development and indicate the sequence and time period within which the improvements described will be made. As a condition of approval of this grant, the applicant will be required to submit a progress schedule prior to development commencement.
18. An Initial Study was prepared for this project in compliance with the California Environmental Quality Act (CEQA) and the environmental document reporting procedures and guidelines of the County of Los Angeles. The Initial Study identified potentially significant effects of the project regarding drainage and grading, fire, noise, water quality, utilities; and traffic and access. Prior to the release of the proposed Mitigated Negative Declaration and Initial Study for public review, the applicant made or agreed to revisions in the project that would avoid the effects or mitigate the effects to a point where no significant effects would occur. The Initial Study and project revisions showed that there is no substantial evidence, in light of the whole record before the Commission, that the project as revised may have a significant effect on the environment. Based on the Initial Study and project revisions, the Department of Regional Planning has prepared a Mitigated Negative Declaration for this project. Conditions or changes in the proposed project are necessary in order to assure the proposed project will not have a significant effect on the environment, and such conditions or changes have been included in the Mitigation Monitoring Program prepared for the project. The applicant will be required to comply with all provisions in the Mitigation Monitoring Program as a condition of approval of this grant.
19. Staff received comments regarding this request from the Department of Public Works, Traffic and Lighting Division and Subdivision Mapping Section, the Los Angeles County Fire Department and the California

Department of Transportation. Where appropriate, their comments have been included as conditions of approval of this grant.

21. There is no request for the on-site or off-site sale of alcoholic beverages within any store or restaurant included with this proposal. The applicant would be required to apply for a conditional use permit to allow alcoholic beverage sales at the commercial plaza.
22. Compliance with the recommended conditions of approval and mitigation measures, and with the development program for the subject property, will ensure compatibility with surrounding land uses.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

- A. That the proposed use will be consistent with the adopted general plan for the area;
- B. That the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare;
- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area;
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required; and
- E. That the development program will provide necessary safeguards to insure completion of the proposed development by the applicant forestalling substitution of a lesser type of development contrary to the public convenience, welfare or development needs of the area.

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a Conditional Use Permit as set forth in Sections 22.40.060 and 22.56.090 of the Los Angeles County Code (Zoning Ordinance).

REGIONAL PLANNING COMMISSION ACTION:

1. After consideration of the Mitigated Negative Declaration together with all comments received during the public review process, the Commission finds on the basis on the whole record before the Commission that there is no substantial evidence the project will have a significant effect on the environment, finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Commission, and adopts the Mitigated Negative Declaration and Mitigation Monitoring Program for the project.
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit Case No. 02-230-(5) is **APPROVED**, subject to the attached conditions and further subject to approval by the Board of Supervisors of Zone Change Case No. 02-230-(5).

VOTE: 5-0

Concurring: Valadez, Bellamy, Helsley, Rew, Modugno

Dissenting: 0

Abstaining: 0

Absent: 0

Action Date: February 16, 2005

RJF:SZD

CONDITIONAL USE PERMIT CASE NO. 02-230-(5)
CONDITIONS

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1. This grant authorizes the use of the subject property for an automobile service station, a restaurant and mini-mart with appurtenant parking and landscaping, as depicted on the approved Exhibit "A", subject to all of the following conditions of approval.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant and that the conditions of the grant have been recorded as required by Condition No. 8, and until all required monies have been paid pursuant to Condition Nos. 10, 11 and 12. Further, this grant shall not be effective unless and until the Board of Supervisors has adopted Zone Change Case No. 02-230-(5) and an ordinance reflecting such changes of zone has become effective.
4. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitation period. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

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The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with Section 2.170.010 of the Los Angeles County Code.

6. This grant shall expire unless used within 2 years from the date of approval. A one-year time extension may be requested in writing with the applicable fee six months before the expiration date.
7. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
8. Prior to the use of this grant, the terms and conditions of the grant shall be recorded in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee, as applicable, of the subject property.
9. This grant shall terminate on **February 16, 2025**. Entitlement to the use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning at least six months prior to the termination date of this grant, whether or not any modification of the use is requested at that time.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of **\$3,000.00**. These monies shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including adherence to development in accordance with the site plan on file. The fund provides for **twenty (20) annual inspections**. Inspections shall be unannounced

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the permittee shall be financially responsible for and shall reimburse the Department of Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment (currently \$150.00 per inspection).

CONDITIONAL USE PERMIT CASE NO. 02-230-(5)
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Page 3 of 7

11. Within five (5) days of the approval date of this grant, the permittee shall remit processing fees (**currently \$1,275.00**) payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination in compliance with Section 21152 of the California Public Resources Code and to defray the costs of fish and wildlife protection and management incurred by the California Department of Fish and Game pursuant to Section 711.4 of the California Fish and Game Code.
12. Within thirty (30) days of the approval date of this grant, the permittee shall deposit the sum of **\$3,000.00** with the Department of Regional Planning to defray the cost of reviewing the required mitigation monitoring reports and verifying compliance with the Mitigation Monitoring Program.
13. The conditions and/or changes in the project, set forth in the Mitigated Negative Declaration as necessary in order to assure that the proposed project will not have a significant effect on the environment, are incorporated herein by this reference and made conditions of approval of this grant. The permittee shall comply with all such conditions/changes in accordance with the attached Mitigation Monitoring Program. As a means of ensuring the effectiveness of such conditions and/or changes to the project, the permittee shall submit mitigation monitoring reports to the Department of Regional Planning for review and approval as frequently as may be required by the department. The reports shall describe the status of the permittee's compliance with the required project conditions/changes.
14. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.
15. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided to the satisfaction of and within the time periods established by said bureau.
16. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
17. The subject property shall be developed and maintained in compliance with the requirements of the Los Angeles County Department of Health Services. Adequate water and sewage facilities shall be provided to the satisfaction of said department.

CONDITIONAL USE PERMIT CASE NO. 02-230-(5)
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Page 4 of 7

18. All structures shall comply with the requirements of the Division of Building and Safety of the Department of Public Works.
19. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization. In the event such extraneous marking occur, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such marking shall be of a color that matched, as closely as possible, the color of the adjacent surfaces.
20. Within ninety (90) days of the approval date of this grant, the permittee shall submit to the Director for review and approval three (3) copies of revised plans, similar to Exhibit "A" as presented at the public hearing, that depict all project changes required by these conditions of approval, including the following: 1) submit sign elevations which depicts the dimensions and height of the pole sign, 2) submit elevations floor plan of the proposed structures and a development schedule in accordance with all development program features required by Section 22.40.050.A of the County Code, 3) handicapped loading and unloading area in accordance with County Code, two (2) spaces shall be accessible to and reserved for persons with disabilities, one (1) of which shall be van accessible, and 4) a landscaping table which depicts a minimum of two percent of the parking lot and ten percent of the 1.1-acre development area landscaped. The subject property shall be developed and maintained in substantial compliance with the approved Exhibit "A." In the event that subsequent revised plans are submitted, the permittee shall submit three (3) copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner.
21. Within sixty (60) days of the approval date adherence to development in accordance with the site plan on file of this grant, the permittee shall submit to the Director for review and approval three copies of a landscape plan, which may be incorporated into the revised Exhibit "A" described above. The landscape plan shall show the size, type, and location of all plants, trees, and watering facilities. The permittee shall maintain all landscaping in a neat, clean and healthy condition, including proper pruning, weeding, litter removal, fertilizing and replacement of plants when necessary. Watering facilities shall consist of a permanent water-efficient irrigation system, such as "bubblers" or drip irrigation, for irrigation of all landscaped areas except where there is turf or other ground cover.
22. Within sixty (60) days of approval of this grant, the permittee shall submit to the Director for review and approval three copies of a signage program for the commercial center, which may be incorporated into the revised Exhibit "A" described above,

CONDITIONAL USE PERMIT CASE NO. 02-230-(5)
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developed in conformance with the requirements of Part 10 of Section 22.52 of the County Code.

23. The following development program conditions shall apply:
 - a. No building or structure of any kind except a temporary structure used only in the developing of the property according to the development program shall be built, erected, or moved onto any part of the property;
 - b. No existing building or structure which is to be demolished shall be used;
 - c. All improvements shall be completed prior to the occupancy of any structures; and
 - d. Where one or more buildings in the projected development are designated as primary buildings, building permits for structures other than those so designated shall not be issued until the foundations have been constructed for such primary building or buildings.

24. The construction, operation and maintenance of the proposed use shall be further subject to all of the following restrictions:
 - a. All material graded shall be sufficiently watered to prevent excessive amounts of dust during the construction phase. Watering shall occur at least twice daily with complete coverage, preferably in the late morning and after work is done for the day. All clearing, grading, earth moving or excavation activities shall cease during periods of high winds (i.e. greater than 20 mph averaged over one hour) to prevent excessive amounts of dust. Any materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust;
 - b. Project construction activity, including engine warm-up, shall be limited to those hours between 7:00 a.m. and 6:00 p.m. Monday through Friday and 8:00 a.m. and 5:00 p.m. Saturday. All stationary construction noise sources shall be sheltered or enclosed to minimize adverse effects on nearby residences. Generators and pneumatic compressors shall be noise protected in a manner that will minimize noise effects to adjacent residences. Parking of construction worker vehicles shall be on-site and restricted to areas buffered from residences located to the south and east of the subject property;
 - c. The permittee shall make arrangements with the serving utilities to install underground any new facilities necessary to furnish utility service for the development;

CONDITIONAL USE PERMIT CASE NO. 02-230-(5)
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- d. A minimum of 26 on-site parking spaces shall be provided and continuously maintained, including two (2) spaces reserved for persons with disabilities, one (1) of which shall be van-accessible;
- e. Required parking spaces shall be continuously available for vehicular parking only and shall not be used for storage, automobile or truck repair, or any other unauthorized uses;
- f. The restaurant shall be for selling food for off-site consumption only. Seating or other areas for on-site consumption is strictly prohibited unless adequate parking is provided for in accordance with Section 22.52.110 of the Zoning Ordinance;
- g. Outside storage of materials, including inoperable vehicles, is prohibited on the property;
- h. All outdoor trash containers shall be covered and all trash enclosure areas shall be screened from public and private view corridors by landscaping, berms, compatible structures or walls, or a combination of these;
- i. All parking lot and other exterior lighting shall be hooded and directed away from neighboring residences to prevent direct illumination and glare, and shall be turned off within thirty (30) minutes after conclusion of activities, with the exception of sensor-activated security lights and/or low level lighting along all pedestrian walkways leading to and from the parking lot;
- j. Within sixty days of the approval date of this grant, the permittee shall submit to the Director for review and approval three copies of a lighting plan, which may be incorporated into the revised Exhibit "A" as described above. The lighting plan shall show the locations, types, and heights of all proposed pole and wall mounted lighting;
- k. The height of the all buildings shall not exceed 35'0" above finished grade;
- l. Not less than 10 percent of the 1.1-acre development area shall be landscaped;
- m. Operating hours for repair of motor vehicles at the service station are restricted to the hours between 7:00 a.m. to 9:00 p.m., Monday through Sunday. All deliveries to the subject property shall also be within these operating hours;
- n. The service facility shall not provide services such as body and fender work, painting, major engine overhaul, or transmission repair;
- o. All automobile repair and installation activities shall be conducted within an enclosed building only;

CONDITIONAL USE PERMIT CASE NO. 02-230-(5)
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- p. No automobile awaiting repair or installation service shall be parked or stored for a period exceeding 24 hours except within an enclosed building;
- q. Automobile washing, waxing and polishing shall be accessory only to the repair of motor vehicles and that such services shall be done by hand within an area not greater than 500 square feet;
- r. All signage shall be maintained and developed in accordance with Part 10 of Chapter 22.52 of the County Code;
- s. All buildings shall maintain a minimum distance of 20 feet to Sierra Highway;
- t. The permittee shall maintain a current contact name, address, and phone number with the Department of Regional Planning at all times;
- u. The use of an outdoor public address system, or similar acoustical device is prohibited;
- v. This permit authorizes the use of the subject property for an automobile service station, a restaurant and mini-mart with appurtenant parking and landscaping only. All other uses shall require the approval of another Conditional use permit;
- w. The permittee shall comply with all conditions set forth in the attached County of Los Angeles Department of Public Works memorandum dated October 1, 2002, except as otherwise required by said Department;
- x. The permittee shall comply with all conditions set forth in the attached Los Angeles County Fire Department memorandum dated May 6, 2004, except as otherwise required by said Department; and
- y. The permittee shall comply with all conditions set forth in the attached County of Los Angeles Department of Health Services memorandum dated December 4, 2002, except as otherwise required by said Department

Attachments:

Department of Public Works letter dated October 1, 2002
Los Angeles County Fire Department dated May 6, 2004
Department of Health Services letter dated December 4, 2003
Project Changes/Conditions and Mitigation Monitoring Program



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
www.ladpw.org

JAMES A. NOYES, Director

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE
REFER TO FILE: LD-4

October 1, 2002

TO: Frank Meneses
Zoning Permits Section
Department of Regional Planning

FROM: Barry S. Witler
Transportation Planning Section
Land Development Division

CONDITIONAL USE PERMIT NO. 02- 230

We have reviewed the subject case in the Palmdale area in the vicinity of Sierra Highway south of Pearblossom Highway. This case is for the construction of a service station with a mini-mart.

If this permit is approved, we recommend the following conditions:

1. Dedicate right of way 50 feet from centerline on Sierra Highway. Twenty feet of additional right of way is required along the property frontage.
2. Dedicate the right to restrict vehicular access on Sierra Highway.
3. Submit a traffic study to Public Works for review and approval and comply with mitigation measures identified in the approved traffic study to the satisfaction of Public Works.
4. Provide signing and striping plans on Sierra Highway to the satisfaction of Public Works.
5. Construct curb, gutter, base, pavement, and sidewalk on Sierra Highway to the satisfaction of Public Works.
6. Plant street trees on Sierra Highway to the satisfaction of Public Works.
7. Underground all utility lines to the satisfaction of Public Works.

8. Comply with the following street lighting requirements to the satisfaction of Public Works:
 - a. Provide street lights on concrete poles with underground wiring on Sierra Highway to the satisfaction of the Public Works. Street lighting plans must be approved by the Street Lighting Section.
 - b. The proposed development, or portions thereof, are not within an existing Lighting District. Annexation and assessment balloting are required. Upon Conditional Use Permit approval, the applicant shall enter into a secured agreement with the County of Los Angeles for the installation of the street lights in the amount of \$13,500 and comply with the conditions listed below in order for the Lighting Districts to pay for future operation and maintenance of street lights. The Board of Supervisors must approve the annexation and levy of assessment (should assessment balloting favor levy of assessment) prior to Public Works approving street lighting plans. The street lights shall be installed per approved plans prior to issuance of a Certificate of Occupancy.
 1. Request the Street Lighting Section to commence annexation and levy of assessment proceedings.
 2. Provide business/property owner's name(s), mailing address(es), site address, Assessor Parcel Number(s), and Parcel Boundaries in either Microstation or Auto CADD format of territory to be developed to the Street Lighting Section.
 3. Submit a map of the proposed development including any roadways conditioned for street lights that are outside the proposed development area to the Street Lighting Section. Contact the Street Lighting Section for map requirements and with any questions at (626) 300-4726.
 - c. For acceptance of street light transfer billing, all street lights in the development, or the current phase of the development, must be constructed according to Public Works approved plans and energized for at least one year as of July 1 of the current year.

Frank Meneses
October 1, 2002
Page 3

- d. Note that the annexation and assessment balloting process takes approximately five to six months to complete once the above information is received and approved. Therefore, untimely compliance with the above will result in a delay in receiving approval of the street lighting plans.

WH:ca
WP02-230

cc: Traffic and Lighting (Abdelhadi, Chon)

RP/2P



COUNTY OF LOS ANGELES FIRE DEPARTMENT

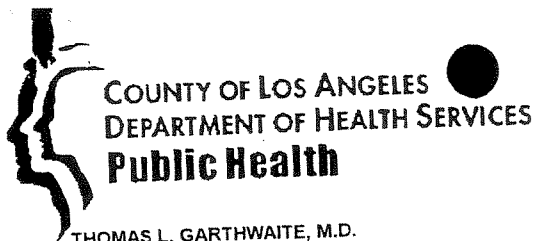
5823 Rickenbacker Road
Commerce, California 90040

DATE: May 6, 2004
TO: Department of Regional Planning
Permits and Variances
SUBJECT: C.U.P. 02-230
LOCATION: Pearblossom Hwy and Sierra Hwy.

- ☐ The Fire Department has no additional requirements for this permit.
- ☐ The required fire flow for this development is _____ gallons per minute for _____ hours. The water mains in the street, fronting this property must be capable of delivering this flow at 20 pounds per square inch residual pressure.
- ☐ Install _____ Public and/or _____ On-site and/or _____ Upgrade/Verify 6" X 4" X 2 1/2" fire hydrants, conforming to AWWA C503-75 or approved equal. All installations must meet Fire Department specifications. Fire hydrant systems must be installed in accordance with the Utility Manual of Ordinance 7834 and all installations must be inspected and flow tested prior to final approval.
- ☒ Comments: Due to the lack of public water supply the applicant is requested to provide a minimum water tank supply of 27,000 gallons of water for the fire department use only. Additional water supply shall be added to this to meet domestic demands as set forth by Public Works. Indicate the required tank size on the site plan and resubmit for review and approval
- ☒ Location: Install one private fire hydrant as noted on the submitted site plan, said fire hydrant shall measure 6"X4"X2 1/2". Fire hydrant shall be installed tested and accepted prior to commencement of construction. The water supply line shall be a minimum 6" diameter and be gravity feed from the required tank.
- ☒ Access: Divided entrance road shall be a minimum of 20' clear on each side or provide a minimum width of 26', all access shall be extended to within 150' of all exterior walls of proposed structures.
- ☒ Special Requirements: This property is located within the area described by the Fire Department as "Very High Fire Hazard Severity Zone" (formerly Fire Zone 4). A "Fuel Modification Plan" shall be submitted and approved prior to final map clearance. (Contact: Fuel Modification Unit, Fire Station #32, 605 North Angeleno Avenue, Azusa, CA 91702-2904, Phone (626) 969-5205 for details).
- Additionally, submittal of the architectural drawings to Fire Prevention Engineering are required prior to the issuance of building permit. Contact 661-949-6319 for specifics.
- Addressing shall be posted at the entrance driveway, as required by the field inspector.

Fire Protection facilities; including access must be provided prior to and during construction. Should any questions arise regarding this matter, please feel free to call our office @ (323) 890-4243.

Inspector: Janna Masi



THOMAS L. GARTHWAITE, M.D.
DIRECTOR and CHIEF MEDICAL OFFICER

FRED LEAF
CHIEF OPERATING OFFICER

JONATHAN E. FIELDING, M.D., M.P.H.
Director of Public Health and Health Officer

Environmental Health
ARTURO AGUIRRE, Director

Bureau of Environmental Protection
Mountain & Rural/Water, Sewage & Subdivision Program
5050 Commerce Drive, Baldwin Park, CA 91706-1423
TEL (626)430-5380 • FAX (626)813-3016
www.lapublichealth.org/eh/progs/envirp.htm



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Michael D. Antonovich
Fifth District

December 4, 2002

Christina Tran
Impact Analysis Section
Department of Regional Planning
320 W. Temple St., Los Angeles, CA 90012

RE: CUP 02-230; Sierra Highway near Freeway 14, Big Mountain Ridge

This Department has reviewed the submitted information and has no objection to the approval of this Conditional Use Permit providing it is conditioned to the following:

1. The on-site private sewage disposal system serving the site is constructed under permit from the Los Angeles County Department of Public Works, Building & Safety Division, and is constructed in compliance with all applicable codes.
2. The on-site private sewage disposal system serving the site is operated in a satisfactory sanitary manner and in compliance with all applicable codes and is served regularly as per US EPA guidelines.
3. Prior to the issuance of any building permit the on-site small public water supply system serving the site shall obtain the required small public water supply system permit from Los Angeles County Department of Health Services - Environmental Health, Mountain & Rural / Water, Sewage & Subdivision Program.
4. The on-site small public water supply system serving the site is maintained in compliance with all conditions stipulated in that small public water supply system permit, and in compliance with all applicable codes.
5. The on-site small public water supply system complies with the Technical, Managerial and Financial (TMF) responsibilities of small public water supply system as stated in California Health & Safety Code Section 116540.

Christina Tran
CUP 02-230
December 4, 2002
Page 2

If there are any questions or you require further information, please contact me at 626-430-5380.

Respectfully,

A handwritten signature in cursive script, reading "Russell A. Johnson", is written over a horizontal line.

Russell A. Johnson, R.E.H.S., Chief,
Mountain & Rural / Water, Sewage & Subdivision Program

RAJ:pn



COUNTY OF LOS ANGELES
FIRE DEPARTMENT

5823 Rickenbacker Road
Commerce, California 90040

DATE: May 6, 2004

TO: Department of Regional Planning
Permits and Variances

SUBJECT: C.U.P. 02-230

LOCATION: Pearblossom Hwy and Sierra Hwy.

- ☐ The Fire Department has no additional requirements for this permit.
- ☐ The required fire flow for this development is ____ gallons per minute for ____ hours. The water mains in the street, fronting this property must be capable of delivering this flow at 20 pounds per square inch residual pressure.
- ☐ Install ____ Public and/or ____ On-site and/or ____ Upgrade/Verify 6" X 4" X 2 1/2" fire hydrants, conforming to AWWA C503-75 or approved equal. All installations must meet Fire Department specifications. Fire hydrant systems must be installed in accordance with the Utility Manual of Ordinance 7834 and all installations must be inspected and flow tested prior to final approval.
- ☒ Comments: Due to the lack of public water supply the applicant is requested to provide a minimum water tank supply of 27,000 gallons of water for the fire department use only. Additional water supply shall be added to this to meet domestic demands as set forth by Public Works. Indicate the required tank size on the site plan and resubmit for review and approval
- ☒ Location: Install one private fire hydrant as noted on the submitted site plan, said fire hydrant shall measure 6"X4"X2 1/2". Fire hydrant shall be installed tested and accepted prior to commencement of construction. The water supply line shall be a minimum 6" diameter and be gravity feed from the required tank.
- ☒ Access: Divided entrance road shall be a minimum of 20' clear on each side or provide a minimum width of 26'. all access shall be extended to within 150' of all exterior walls of proposed structures.
- ☒ Special Requirements: This property is located within the area described by the Fire Department as "Very High Fire Hazard Severity Zone" (formerly Fire Zone 4). A "Fuel Modification Plan" shall be submitted and approved prior to final map clearance. (Contact: Fuel Modification Unit, Fire Station #32, 605 North Angeleno Avenue, Azusa, CA 91702-2904, Phone (626) 969-5205 for details).
- Additionally, submittal of the architectural drawings to Fire Prevention Engineering are required prior to the issuance of building permit. Contact 661-949-6319 for specifics.
- ☒ Addressing shall be posted at the entrance driveway, as required by the field inspector.

Fire Protection facilities; including access must be provided prior to and during construction. Should any questions arise regarding this matter, please feel free to call our office @ (323) 890-4243.

Inspector: Janna Masi

Conditional Use Permit / Zone Change No. 02-230
Mitigation Monitoring Program

Impact Mitigation	Responsible Agency or Party	Action Required	Monitoring Agency or Party	Timing
Drainage/Grading Prior to the issuance of a grading permit, applicant shall comply with all conditions and requirements of the drainage concept/SUSMP that was approved on March 25, 2003 to the satisfaction of the DPW.	Project Applicant	Comply with approved drainage concept/SUSMP	DPW	Prior to issuance of grading permit
Fire Prior to the issuance of a building permit, applicant shall pay a developer fee or an in-kind consideration in lieu of developer fees to the Los Angeles County Fire Department, to provide funds for fire protection facilities, which are required by new commercial, industrial or residential development in an amount proportionate to the demand created by this project. In the event that the developer fee is no longer in effect at the time of building permit issuance, alternative mitigation measures shall be required.	Project Applicant	Remit developer fee	LACFD	Prior to issuance of building permit
All proposals for traffic calming measures (speed humps/bumps, traffic circles, roundabouts, etc) shall be submitted to the Fire Department for review and approval prior to implementation.	Project Applicant	Submit proposals for all traffic calming measures	LACFD	Prior to implementation of any traffic calming measures

Prior to issuance of a building permit, applicant shall install one private fire hydrant (6" x 4" x 2 1/2") as noted on the site plan dated May 11, 2004. The water supply line shall be a minimum of 6" diameter and shall be gravity feed from the 30,000 gallon water tank. The installed fire hydrant shall be tested and accepted to the satisfaction of LACFD prior to construction.	Project Applicant	Installation, test, and acceptance of fire hydrant	LACFD	Prior to issuance of a building permit
The divided entrance road shall be a minimum of 20' clear on each side or provide a minimum width of 26' to the satisfaction of LACFD. All access shall be extended to within 150' of all exterior walls of proposed structures.	Project Applicant	Entrance road in compliance with requirements of LACFD	LACFD	During construction
Prior to the issuance of a building permit, applicant shall submit the architectural drawings to the Fire Prevention Engineering of LACFD for their review and approval.	Project Applicant	Submittal and approval of architectural drawings	LACFD	Prior to issuance of a building permit
Prior to operation, addressing shall be posted at the entrance driveway to the satisfaction of the field inspector of LACFD.	Project Applicant	Post addressing	LACFD	Prior to operation
Prior to the issuance of a building permit, applicant shall submit a fuel modification plan, a landscape plan, and an irrigation plan to the Forestry Division of the County of Los Angeles Fire Department for their review and approval. Landscape plan shall incorporate a minimum of 50% of locally indigenous plant species.	Project Applicant	Submittal and approval of a fuel modification plan, a landscape plan, and an irrigation plan	LACFD	Prior to the issuance of a building permit

Noise The proposed project shall have no public address system, no outdoor motors, and the exterior ordering speaker for the drive-through restaurant shall be located on the north side and shall be blocked by the building.	Project Applicant	Public address system and outdoor motors are prohibited	DHS	During operation
Water Quality Prior to the issuance of a building permit, applicant shall contact the Environmental Programs Division for required approvals and obtain operation permit for the construction/installation of underground storage tanks, industrial waste treatment or disposal facilities, and/or stormwater treatment structures and facilities.	Project Applicant	Contact Environmental Programs Division to obtain any required operation permit	DPW	Prior to the issuance of building permit
Food service establishments may be required to provide a grease treatment device. Prior to the issuance of a building permit, applicant shall contact the Programs Development Division of DPW to determine whether a grease treatment device will be required.	Project Applicant	Provide grease treatment devices if required to the satisfaction of the DPW	DPW	Prior to the issuance of building permit
The proposed project shall minimize all impermeable surfaces and incorporate permeable paving wherever feasible to maximize capture of local rainfall on the project site, eliminate incremental increase in flows to the storm drain system, and provide filtering of flows to capture contaminants originating from the project site.	Project Applicant	Minimize all impermeable surfaces and incorporate permeable paving wherever feasible	DPW	Prior to the issuance of grading permit

Applicant shall comply with the NPDES requirements of the California Regional Water Quality Control Board and the Los Angeles County Department of Public Works.	Project Applicant	Obtain NPDES permit	RWQCB DPW	Prior to issuance of grading permit
Prior to the issuance of a building permit, the on-site private sewage disposal system serving the site shall be constructed under permit from the Los Angeles County Department of Public Works, Building & Safety Division, and shall be constructed in compliance with all applicable codes.	Project Applicant	Construction of on-site sewage disposal system	DHS	Prior to issuance of building permit
The on-site private sewage disposal system serving the site shall be operated in a satisfactory sanitary manner and in compliance with all applicable codes and shall be serviced regularly as per US EPA guidelines.	Project Applicant	Disposal system shall be operated in sanitary manner and in compliance with applicable codes	DHS	During operation
Prior to the issuance of a grading permit, the applicant shall obtain the required small public water supply system permit for the on-site system from Los Angeles County Department of Health Services – Environmental Health, Mountain & Rural / Water, Sewage & Subdivision Program.	Project Applicant	Obtain small public water supply system permit	DHS	Prior to issuance of grading permit

<p>The on-site small public water supply system serving the site shall be maintained in compliance with all conditions stipulated in that small public water supply system permit, and shall be in compliance with all applicable codes, including the Technical, Managerial and Financial (TMF) responsibilities of small public water supply system as stated in California Health & Safety Code Section 116540.</p>	<p>Project Applicant</p>	<p>On-site public water supply system shall comply with all conditions stipulated in permit and comply with TMF responsibilities</p>	<p>DHS</p>	<p>During operation</p>
<p>Biota</p> <p>Prior to any site activity, applicant shall submit a jurisdictional delineation report to the California Department of Fish & Game to determine whether a 1603 permit will be required. If required, applicant shall obtain a 1603 permit prior to the issuance of a grading permit.</p>	<p>Project Applicant</p>	<p>Submit jurisdictional delineation report and obtain 1603 permit if required</p>	<p>CDFG DRP</p>	<p>Prior to any site activity</p>
<p>During construction activity, a biological monitor shall be present to relocate all vertebrate species including San Diego horned lizard, silvery legless lizard, southern grasshopper mouse that may be disturbed to an adjacent suitable habitat area.</p>	<p>Project Applicant and construction contractor</p>	<p>Biological monitor shall be present to relocate all vertebrate species</p>	<p>DRP</p>	<p>During construction</p>

<p>If project activities cannot feasibly avoid the breeding season of native birds (February 1 through August 31), the applicant shall have weekly field surveys conducted by a qualified biologist to determine if active nests are present in or within 500 feet of the grading zone. Surveys shall begin no earlier than 30 days and end no earlier than 3 days prior to construction activities. If nesting native birds are found, the project proponent shall delay all construction activities within the protected area of the nests (500 feet for raptor nests, 300 feet for all other birds) until the nest is vacated and juveniles have fledged and when there is no evidence of further attempts at nesting. Limits of avoidance shall be demarcated with flagging or fencing. If sensitive species (Le Conte's thrasher, loggerhead shrike or western burrowing owl) are among the nesting species found, all construction shall be postponed until the young have fledged to minimize disturbance to the nests and foraging habitat that may occur on the site; the applicant shall consult with CDFG to assess the property for replacement mitigation of up to 2:1 habitat replacement, and construction may commence in the fall. The project proponent shall record the results of the recommended protective measures described above and submit the records to the DRP to document compliance with applicable State and Federal laws pertaining to the protection of native birds.</p>	<p>Project Applicant</p>	<p>Prepare weekly bird surveys; Construction within protected areas of nesting native birds shall be postponed until nest is vacated and juveniles have fledged; Consult with CDFG and provide 2:1 habitat replacement if sensitive species are found</p>	<p>DRP CDFG</p>	<p>During construction</p>
<p>Night lighting shall be directed downward onto the property, of low intensity, at low height and shielded to prevent illumination surrounding properties and undeveloped areas.</p>	<p>Project Applicant</p>	<p>Night lighting directed downward with low intensity</p>	<p>DRP</p>	<p>During operation</p>

<p>Traffic/Access</p> <p>Prior to the issuance of a building permit, applicant shall construct half street improvements along the project frontage which shall consist of a deceleration lane (minimum 250 feet in length), an acceleration lane (minimum 650 feet in length), and a raised triangular median in front of the driveway to prevent left-turn in/out movements at the driveway. A detailed striping plan for these improvements shall be submitted to the Traffic Design Section of the Traffic and Lighting Division for review and approval prior to the construction of these improvements.</p>	Project Applicant	Submittal and approval of detailed striping plan and construction of street improvements	DPW	Prior to issuance of building permit
<p>Prior to the issuance of a grading permit, applicant shall apply and obtain an encroachment permit from the California Department of Transportation (Caltrans).</p>	Project Applicant	Obtain encroachment permit	Caltrans	Prior to issuance of grading permit

Utilities Prior to issuance of building permit, applicant shall implement waste reduction and recycling programs to divert the solid waste, including construction and demolition waste, from the landfill to the satisfaction of the Environmental Programs Division of the DPW.	Project Applicant	Implement waste reduction and recycling programs	DPW	Prior to issuance of building permit
Mitigation Compliance As a means of ensuring compliance of the above mitigation measures, the applicant and subsequent owner(s) are responsible for submitting annual mitigation compliance report to the DRP for review, and for replenishing the mitigation monitoring account if necessary until such time as all mitigation measures have been implemented and completed.	Project Applicant and Subsequent Owners	Submit annual mitigation compliance report and replenish mitigation monitoring account	DRP	Annually until all mitigation measures have been implemented and completed

Key:

Caltrans	=	California Department of Transportation
DHS	=	Los Angeles County Department of Health Services
DPW	=	Los Angeles County Department of Public Works
DRP	=	Los Angeles County Department of Regional Planning
DFG	=	Department of Fish and Game
LACFD	=	Los Angeles County Fire Department
NPDES	=	National Pollution Discharge Elimination System
RWQCB	=	California Regional Water Quality Control Board
SUSMP	=	Standard Urban Stormwater Mitigation Plan
USFW	=	U.S. Fish and Wildlife



Los Angeles County Department of Regional Planning
320 West Temple Street, Los Angeles, California 90012
Telephone (213) 974-6443

PROJECT No. 02-230- (5)
**ZONE CHANGE/
CONDITIONAL USE PERMIT**

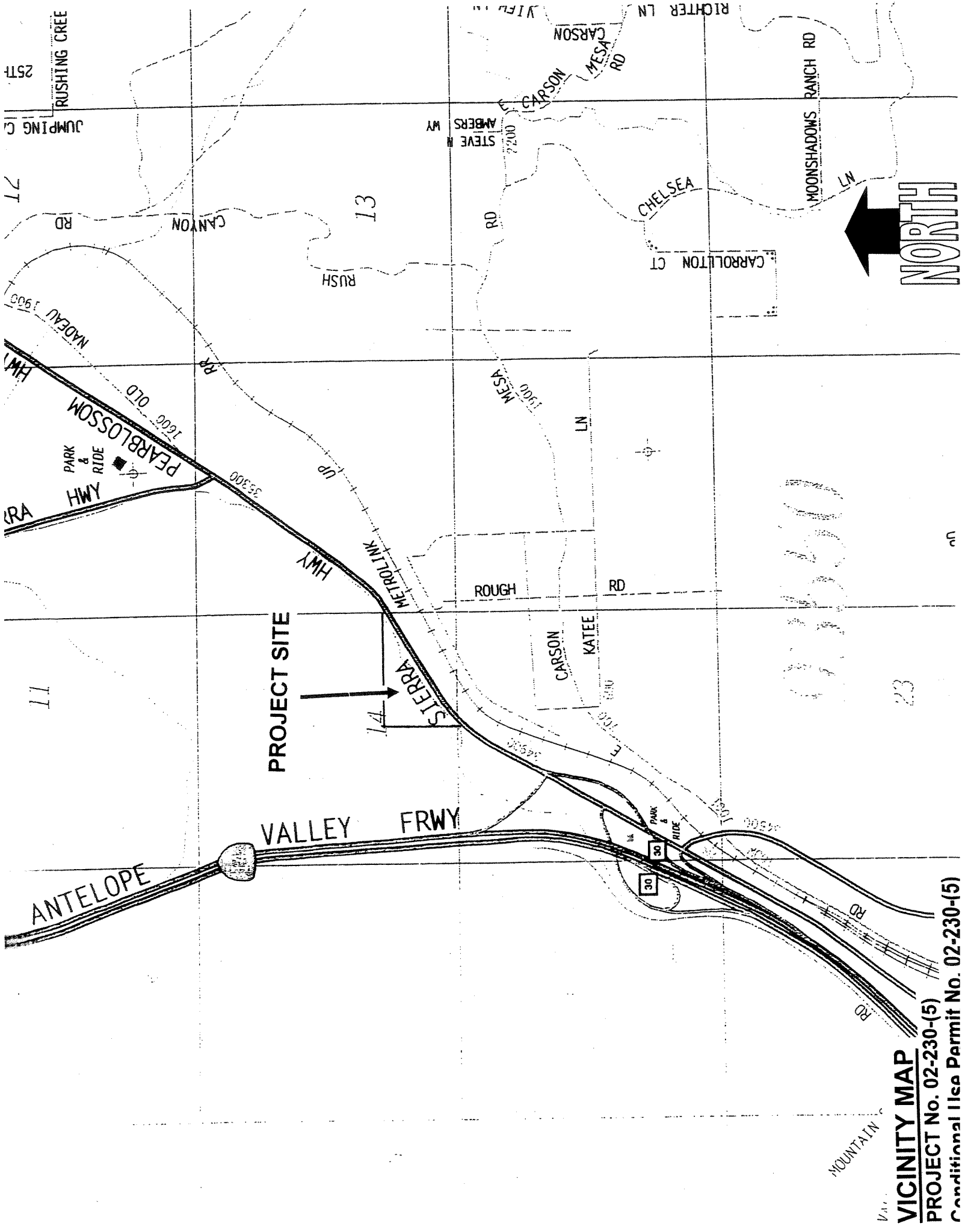
RPC CONSENT DATE	CONTINUE TO
AGENDA ITEM No. 11 a & b	
PUBLIC HEARING DATE September 8, 2004	

APPLICANT Sam Manfredi		OWNER Sam Manfredi		REPRESENTATIVE JT Engineering	
REQUEST <u>Zone Change:</u> Change of zone from A-1-1 (Light Agriculture, one acre minimum required area) to C-3-DP (Unlimited Commercial Development Program) on the 5.5-acre subject property. <u>Conditional Use Permit:</u> To develop an automobile service station, a mini-mart and a restaurant with a drive-through. The Conditional Use Permit is required for the Development Program zone.					
LOCATION/ADDRESS On the north side of Sierra Highway, between Antelope Valley Freeway and Pearblossom Highway.			ZONED DISTRICT Palmdale		
ACCESS Via Sierra Highway			COMMUNITY Antelope Valley		
SIZE 5.44 acres			EXISTING ZONING A-1-1 (Light Agriculture-One Acre Minimum Required Area)		
EXISTING LAND USE Vacant		SHAPE Triangular		TOPOGRAPHY Gently sloping	
SURROUNDING LAND USES AND ZONINGS					
North: Vacant properties/A-1-1			East: Vacant properties/A-1-1		
South: Single-family residences, vacant properties and commercial development/C-1-DP (Restricted Business, Development Program) and A-1-1			West: Vacant properties/A-1-1		
GENERAL PLAN		DESIGNATION		MAXIMUM DENSITY	
Countywide		Non Urban		N/A	
Antelope Valley Areawide General Plan		Non Urban 1 (0.5-1 du/ac)		N/A	
				See staff analysis	
ENVIRONMENTAL STATUS Mitigated Negative Declaration – factors to be mitigated: drainage/grading, fire, water quality, biota, utilities and traffic/access.					
DESCRIPTION OF SITE PLAN The applicant's site plan depicts the 5.4-acre subject property developed with a 3,900 square foot building comprise of a service station (1,100 square feet), a mini-mart and restaurant (2,900 square feet). The 12-foot wide drive through is proposed for the restaurant. An 8,000 square foot canopy over the gas pumping station is depicted. The proposed sewage disposal field, water tank and water well are depicted along the western property line. 26 parking spaces are depicted (24 standard, 2 handicapped). Access to the site will be provided by a 26-foot driveway via Sierra Highway to the south.					
KEY ISSUES <ul style="list-style-type: none">• Satisfaction of Section 22.16.110, Title 22 of the Los Angeles County Code zone change burden of proof requirements.• Satisfaction of Section 22.56.040, Title 22 of the Los Angeles County Code conditional use permit burden of proof requirements.• The applicant is requesting to rezone the property from A-1-1 to C-3-DP to accommodate the proposed development. <p style="text-align: right;">(If more space is required, use opposite side)</p>					

TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS

STAFF CONTACT PERSON		
RPC HEARING DATE(S)	RPC ACTION DATE	RPC RECOMMENDATION
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING
STAFF RECOMMENDATION (PRIOR TO HEARING)		
SPEAKERS*	PETITIONS	LETTERS
(O) NONE (F)	(O) (F) NONE	(O) NONE (F) (1)

*(O) = Opponents (F) = In Favor



VICINITY MAP

PROJECT No. 02-230-(5)

Conditional Ilea Permit No. 02-230-(5)

STAFF ANALYSIS

PROJECT NUMBER

02-230-(5)

CASE NUMBER

Zone Change/Conditional Use Permit Case No. 02-230-(5)

OVERVIEW OF PROPOSED PROJECT

The applicant is requesting a change of zone from A-1-1 (Light Agricultural-One Acre Required Area) to C-3-DP (Unlimited Commercial-Development Program) on the 5.4-acre subject property. The proposed DP (Development Program) designation requires the filing of a Conditional Use Permit. The applicant is proposing to develop an automobile service station, a mini-mart and a restaurant with a drive-through window with appurtenant parking and landscaping on the subject property.

DESCRIPTION OF SUBJECT PROPERTY

Location

The subject property is located on the north side of Sierra Highway, between the Antelope Valley Freeway and Pearblossom Highway. The site fronts Sierra Highway to the south and the Antelope Valley Freeway (Highway 14) is approximately 1,000 feet to the west. The subject property is located in the Palmdale Zoned District.

Physical Features

The subject property is triangular in shape with gently sloping to flat topography. Access to the property is via Sierra Highway to the south.

ENTITLEMENT REQUESTED

The applicant has requested a change of zone from A-1-1 to C-3-DP on the 5.4-acre subject property. The applicant is further requesting a Conditional Use Permit to authorize development of an automobile service station, a mini-mart and a restaurant with a drive-through with appurtenant parking and landscaping on the project site.

EXISTING ZONING

Subject Property

Zoning on the subject property is A-1-1 (Light Agricultural-One Acre Minimum Required Area).

Surrounding Properties

Surrounding zoning consists of:

North: A-1-1 (Light Agriculture, one acre minimum required area)

South: C-1-DP (Restricted Business, Development Program) and A-1-1

East: A-1-1

**ZONE CHANGE/
CONDITIONAL USE PERMIT CASE NO. 02-230-(5)
STAFF ANALYSIS**

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West: A-1-1

EXISTING LAND USES

Subject Property

The subject property is currently vacant.

Surrounding Properties

North: Vacant properties.

South: Commercial use, train track, single-family residences and vacant properties

East: Vacant properties.

West: Vacant properties and Antelope Valley Freeway.

PREVIOUS CASES/ZONING HISTORY

There are no previous zoning permit cases on the subject property. The current A-1-1 zoning on the subject property became effective on September 4, 1953, following the adoption of Ordinance Number 6260, which established the Palmdale Zoned District.

ANTELOPE VALLEY AREAWIDE GENERAL PLAN

The project site is designated "Non-Urban 1" land use category in the Antelope Valley Areawide General Plan (AVAGP). The land use policy map depicts areas particularly suitable for agriculture, very low density residential uses, and other appropriate rural commercial and industrial uses (Page III-6). This classification allows residential density up to one dwelling unit per two gross acres. This land use classification does not specifically address commercial development in these areas. However, the AVAGP allows for non-residential uses in non-urban areas subject to the public hearing process and appropriate conditioning of the design of the project, to eliminate or minimize adverse impacts on adjacent land uses.

The Commercial land use category of the AVAGP discussed appropriate areas which may be put to highway-oriented commercial uses subject to the "unmapped Highway Oriented Commercial Conditions for Development." These uses would consist of highway or roadside facilities and services of a minor nature such as gas stations, cafes, motels and other uses providing a service to the traveling public (Page VI-6). The applicant's proposal to develop the site would be subject to the following general conditions (Page VI-27):

- **Location**

1. The proposed use should be located on freeways or major and secondary highways as shown on the Los Angeles County Highway Plan.

**ZONE CHANGE/
CONDITIONAL USE PERMIT CASE NO. 02-230-(5)
STAFF ANALYSIS**

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2. The proposed use should be located and designed so as not to invade or disrupt sound existing residential neighborhoods nor conflict with established community land use, parking and circulation patterns.
3. The necessary public services should be readily available.

The subject property is consistent with the location criteria set forth in the AVAGP for unmapped highway oriented commercial development; the subject property is located within close proximity to the Antelope Valley Freeway and fronts on Sierra Highway, a County Designated Major Highway. Impacts to public services and circulation patterns will be mitigated in accordance with County requirements.

- **Scale**

1. The scale of highway oriented commercial uses, in terms of acreage and permitted floor areas, should be limited to that which can be justified by local community and neighborhood needs. In most instances, such uses, individually or in aggregate, should not exceed 10 acres in size.
2. The overall scale and intensity of proposed highway oriented commercial uses should be in keeping with the surrounding neighborhood or community setting.

The project site is approximately 5.4 acres in size and it is consistent with the adjacent commercial development on the south side of Sierra Highway. The scale and intensity of the proposal is consistent with the development criteria.

- **Design**

1. The site should be, to the extent possible, compact and regular in shape to minimize impacts upon adjacent noncommercial developments.
2. The facility should be designed and operated in such a fashion as to minimize the negative impacts upon adjacent lands.

The design of the proposed development will not post significant impacts to adjacent properties and local access. The subject property is surrounded by vacant properties to the north, east and west. The subject property has direct access to a highway and will provide on-site parking and road improvements in accordance to County Code.

- **Access and Traffic**

1. The design of the project should insure that anticipated traffic generation does not adversely affect conditions on adjacent streets and highways. Wherever possible, access from adjacent interior residential streets should be prohibited.
2. Access, egress and on-site parking should be provided in a manner which maximizes safety and convenience, and minimizes adverse impacts on surrounding neighborhood and community land use patterns.

Based on the applicant's submitted proposal, plans, burden of proof, and through appropriate conditioning of this request, the proposed commercial development can be found consistent with Non-Urban 1 land use classification and the Unmapped Highway Oriented Commercial Development criteria.

SITE PLAN

Overview

The applicant's site plan depicts the 5.4-acre subject property developed with a 4,000 square foot building comprised of a service station (1,100 square feet), a mini-mart and restaurant (2,900 square feet). The 12-foot wide drive-through lane is proposed for the restaurant. An 80'x100' (8,000) square foot canopy covering the gas pumping station is depicted. The proposed sewage disposal field, water tank and water well are depicted along the western property line. Twenty-six parking spaces are depicted (24 standard, 2 handicapped). Access to the site will be provided by a 26-foot driveway via Sierra Highway to the south.

Compliance with Applicable Zoning Standards

As the applicant is requesting a change of zone from A-1-1 to C-3-DP, the proposed project shall comply with the zoning standards of the C-3 zone. Pursuant to Section 22.28.220 of the County Code, the proposed commercial development will comply with the development standards of the C-3 zone, as follows:

- Section 22.28.220.A. of the County Code, requires not to exceed 90 percent of the net area be occupied by buildings, with a minimum of 10 percent of the net area landscaped with a lawn, shrubbery, flowers and/or trees, which shall be continuously maintained in good condition. Incidental walkways, if needed, may be developed in the landscaped area.
The applicant's site plan depicts approximately 20 percent (1.1 acres) of the net area occupied by buildings and paved parking. The site plan depicts approximately 4,800 square feet of landscaping, or approximately 10 percent of the 1.1-acre development area. The applicant's site plan is in compliance with the landscaping requirements of the C-3 zone.
- According to Section 22.28.220.B. of the County Code, parking facilities shall be provided as required by Part 11 of Chapter 22.52. Pursuant to the County Code the parking requirements for the proposed commercial development are as follows:
Commercial - retail
(1) space/250 square feet of building
Restaurants -
(1) space/250 square feet for eating establishment selling food for off-site consumption and having no seating or other areas for on-site eating

Section 22.52.1060.L.2 of the County Code, requires that a minimum of two percent of the gross area of the parking lot shall be landscaped. Landscaping shall be

**ZONE CHANGE/
CONDITIONAL USE PERMIT CASE NO. 02-230-(5)
STAFF ANALYSIS**

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distributed throughout the parking lot, so as to maximize the aesthetic effect and compatibility with adjoining areas.

The site plan submitted by the applicant depicts the following building square footages.

4,000 square feet retail and restaurant space/250 = 16 spaces required

The applicant is providing 26 parking spaces for the restaurant, the gas station and the mini-mart. The applicant's site plan depicts 26 parking spaces (24 standard and 2 handicapped). Per American with Disabilities Act requirements, one of the handicapped spaces shall be van accessible; the applicant is required to provide one van accessible handicapped space. The width of the loading and unloading area required for the van accessible handicapped parking space (8-feet) is not depicted correctly on the site plan; the site plan indicates a loading and unloading area of five feet in width. If the Commission approves this request, the applicant will be required to revise the site plan to depict the handicapped parking space with an 8-foot loading area, as required by Section 22.52.1070 of the County Code.

- Pursuant to Section 22.28.220.C. of the County Code, outside display, except uses specifically noted in this section, shall be located within an enclosed building unless specifically authorized by a temporary use permit.
The applicant is not proposing any outside display as part of this request.
- According to Section 22.28.220.D. of the County Code, outside storage is permitted on the rear of a lot or parcel of land in Zone C-3 when such storage is strictly incidental to the permitted use existing in a building on the front portion of the same lot or parcel of land, and provided no storage is higher than the enclosure surrounding it, nor nearer than 50 feet to the front property line. Any outdoor area used for storage shall be completely enclosed by a solid masonry wall and solid gate, not less than five feet nor more than six feet in height, except, that the director may approve the substitution of a fence or decorative wall where, in his opinion, such wall or fence will adequately comply with the provisions of this section. All such requests for substitution shall be subject to the provisions of Part 12 of Chapter 22.56, on director's review.
The applicant is not proposing any outside storage as part of this request.
- Any proposed signs shall comply with Part 10 of Chapter 22.52. Section 22.52.890 of the County Code specifies that roof or freestanding signs shall be permitted on any lot or parcel of land for each street or highway frontage having a continuous distance of 100 feet or more. In Zone C-3, the permitted sign area is 150 square feet plus three-fourth square foot of sign area for each one foot of street or highway frontage in excess of 100 feet.

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The subject property has approximately 1,070 lineal feet of street frontage. The applicant's site plan depicts one pole sign located 5 feet from the proposed right-of-way of Sierra Highway. No sign elevations have been provided at this time. If the Commission approves this request, the applicant will be required to provide sign elevations.

Under Section 22.40.040 of the County Code, if a conditional use permit has been obtained as provided in Part 1 of Chapter 22.56, property in Zone (-)DP may be used for any use permitted in the basic zone subject to the conditions and limitations of the conditional use permit, including the approved development program which shall be contained therein.

The applicant's request for the approval of a conditional use permit to develop the site with an automobile service station, a restaurant and a mini-mart is consistent with the permitted uses of the C-3 (Unlimited Commercial) zone.

Section 22.40.050 of the County Code requires that an applicant seeking a conditional use permit to develop property in zone (-) DP shall submit a proposed development program. Such development program shall consist of the following elements.

- Pursuant to Section 22.40.050.A. of the County Code, the applicant shall submit a plot plan showing the location of all proposed structures, the alteration or demolition of any existing structures, and development features, including grading, yards, walks, landscaping, height, bulk and arrangement of buildings and structures, signs, the color and appearance of buildings and structures, and other features as needed to make the development attractive, adequately buffered from adjacent, more restrictive uses, in keeping with the character of the surrounding area.

The applicant has provided a site plan depicting the proposed development on the property. However, the site plan does not indicate all the development features as required by Section 22.40.050. If the Commission approves this request, the applicant will be required to submit a revised site plan showing all development features to the Director of Planning for approval prior to construction.

- Section 22.40.050.B. of the County Code further requires that a progress schedule, which shall include all phases of development and indicate the sequence and time period within which the improvements described will be made.

The applicant has indicated the project will be completed in one (1) phase. If the Commission approves this request, the applicant will be required submit the schedule with construction dates and phasing.

BURDEN OF PROOF

Burden of Proof per Code for Conditional Use Permits

Pursuant to Los Angeles County Code Section 22.56.040 the applicant must meet the burden of proof requirements for Conditional Use Permits.

**ZONE CHANGE/
CONDITIONAL USE PERMIT CASE NO. 02-230-(5)
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1. That the requested use at the location proposed will not:
 - A. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
 - B. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
 - C. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
2. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
3. That the proposed site is adequately served:
 - A. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
 - B. By other public or private service facilities as are required.

Applicant's Burden of Proof Responses

The applicant's response is attached. The Burden of Proof submitted by the applicant appears to have satisfied the provisions of Section 22.56.040 of the County Code (**Attachment A**).

Burden of Proof per Code for Zone Change

Pursuant to Los Angeles County Code Section 22.16.110, the applicant must meet the burden of proof requirements for a zone change.

1. Modified conditions warrant a revision in the zoning plan as it pertains to the area or district under consideration because:
2. A need for the proposed zone classification exists within such area or district because:
3. The particular property under consideration is a proper location for said zone classification within such area of district because:
4. Placement of the proposed zone at such location will be in the interest of public health, safety and general welfare, and in conformity with good zoning practice because:

Applicant's Burden of Proof Responses

The applicant's response is attached. The Burden of Proof submitted by the applicant appears to have satisfied the provisions of Section 22.16.110 of the County Code (**Attachment B**).

ENVIRONMENTAL DOCUMENTATION

The Department of Regional Planning has determined that a Mitigated Negative Declaration is the appropriate environmental documentation for this project under California Environmental Quality Act (CEQA) reporting requirements. An Initial Study was prepared for this project in compliance with the environmental guidelines and reporting procedures of

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the County of Los Angeles. The Initial Study showed that conditions or changes to the project are necessary in order to assure there is no substantial evidence that the project may have a significant effect on the environment. The potential impacts relating to drainage and grading, fire, noise, water quality, utilities; and traffic and access were identified and documented in the attached Mitigated Negative Declaration as well as the associated Mitigation Monitoring Program.

During the environmental review phase of the project staff received comment letters from the County of Los Angeles Department of Public Works dated September 11, 2003, the California Department of Transportation dated June 21, 2004, Los Angeles County Fire Department dated May 6, 2004, County of Los Angeles Department of Health Services dated December 4, 2002, and from the California Department of Fish and Game dated December 18, 2002. These letters have been included as attachments to the environmental document. These comments and mitigation measures have been incorporated into the Mitigation Monitoring Program. Compliance with the attached Project Mitigation Measures shall be required as a condition of approval for the subject conditional use permit.

Drainage/Grading

The applicant is required to comply with the approved drainage concept.

Fire

The applicant is required to contribute funds for local fire protection facilities and construct an on-site fire hydrant to the satisfaction of the Los Angeles County Fire Department.

Noise

To minimize noise impacts, public address system is prohibited and the speaker for the drive-through window will be located on the north side of the building.

Water Quality

The development is required to comply with County guidelines regarding project grading, waste disposal, storm runoff, fuel storage and water supply system.

Biota

California Department of Fish and Game approval is required prior to project grading, a biological monitor is required during construction and night lighting shall be minimized.

Traffic/Access

The applicant is required submit a traffic study to Los Angeles Department of Public Works for approval and provide road improvements along Sierra Highway to the satisfaction of said Department.

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Utilities

The applicant is required to implement waste reduction and recycling programs during construction.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

County of Los Angeles Department of Public Works

Staff has received comments from the County of Los Angeles Department of Public Works, Traffic and Lighting Division, dated October 1, 2002. Their comments have been included as an attachment to this document (**Attachment C**).

County of Los Angeles Fire Department

Staff has received comments from the County of Los Angeles Department of Public Works, Traffic and Lighting Division, dated May 6, 2004. Their comments have been included as an attachment to this document (**Attachment D**).

LEGAL NOTIFICATION/COMMUNITY OUTREACH

Hearing notices were mailed to the 14 property owners and residents within a 500-foot radius of the subject property on July 30, 2004. Case materials and the environmental document were mailed to Little Rock County Library on July 30, 2004. Advertisements were published in La Opinion and The Antelope Valley Press on August 3, 2004. According to the applicant, public hearing notices were posted at the project site August 4, 2004.

PUBLIC COMMENTS

Staff is in receipt of a letter from a nearby resident opposing the development. The opposition expressed concern regarding the project's environmental impacts and the general plan consistency of the proposed zone change. The resident indicated that the proposed C-3 zoning is inappropriate for the area and an Environmental Impact Report is necessary (**Attachment E**).

STAFF EVALUATION

Issues

Pursuant to Section 22.40.040 of the County Code, if a conditional use permit has been obtained, property Zone (-)DP may be used for any use permitted in the basic zone subject to the conditions and limitations of a conditional use permit. The applicant's proposal to develop the subject property with an automobile service station, a restaurant and a mini-mart is consistent with the proposed C-3 zone. The recommended project conditions and mitigation measures can ensure the development of a highway oriented development on the subject property to be a compatible land use and compliance with the unmapped Highway Oriented Commercial Conditions for Development as required by the Antelope Valley General Plan. The proposed use is consistent with the Antelope Valley Areawide General Plan and the Zoning Ordinance.

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However, staff questions the suitability of the proposed C-3 zoning designation, as no other property in area is zoned C-3 and the applicant's proposed uses are also permitted in zones C-1 and C-2. Separated by Sierra Highway, the commercial development on the south side of subject property was rezoned in 1988 from A-1-1 to C-1-DP. Consideration should be given as to the compatibility of the proposed zone and the development which has occurred. The proposed C-3 zoning would allow a broader range of permitted commercial uses and some of these uses would be more intensive than the current proposal. With an approved conditional use permit, the property can be used for any permitted uses in the C-3 zone, the recommended conditions of approval and mitigation measures may not be able to anticipate some of these uses and ensure compatibility for future development. It is important to note that a C-1 or C-2 zone will provide a more effective management to subsequent developments and ensure compatibility with surrounding land uses.

If approved, staff recommends a twenty (20) year term for the requested Conditional Use Permit. This is based on the need to reevaluate the compatibility of the project with the surrounding community. Staff also recommends that the project be inspected annually for compliance with the final conditions of approval.

FEES/DEPOSITS

If approved as recommended by staff, the following will apply:

Fish & Game:

1. Processing fees of \$1,275.00 related to posting the Notice of Determination with the County Clerk. Fish & Game fees will be required due to the fact that the project will impact natural habitat. The fees will be required prior to the final approval date of the permit.

Zoning Enforcement:

2. Cost recovery deposit of \$3,000.00 to cover the costs of the twenty (20) recommended annual zoning enforcement inspections. Additional funds would be required if violations are found on the property.

Environmental Mitigation Monitoring:

3. The permittee shall deposit the sum of \$3,000 with the Department of Regional Planning in order to defray the cost of reviewing the mitigation measures in the Mitigation Monitoring Program.

STAFF RECOMMENDATION

Prior to making a decision on this case, Staff recommends the Planning Commission consider the facts, analysis and correspondence contained in this report along with the oral testimony and/or written comments received during the public hearing.

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Approval

If the Commission finds the applicant satisfies the zone change and conditional use permit burden of proof requirements for this request, Staff recommends **Approval** of Zone Change and Conditional Use Permit No. 02-230-(5), subject to the attached draft conditions.

SUGGESTED MOTION: "I move that the public hearing be closed and that the Regional Planning Commission indicate its intent to recommend approval of Zone Change No. 02-230-(5), a change of zone from A-1-1 to C-3-DP, and indicate its intent to approve Conditional Use Permit Case No. 02-230-(5), and instruct staff to prepare the final environmental documentation and findings and conditions for approval."

If the Regional Planning Commission determines that the proposed C-3 zoning is not suitable for the subject property, staff recommends the following motion:

SUGGESTED MOTION: "I move that the public hearing be closed and that the Regional Planning Commission indicate its intent to recommend approval of Zone Change No. 02-230-(5), a change of zone from A-1-1 to C-1-DP, and indicate its intent to approve Conditional Use Permit Case No. 02-230-(5), and instruct staff to prepare the final environmental documentation and findings and conditions for approval."

Report prepared by: Samuel Dea, Principal Regional Planning Assistant
Reviewed by: Russell J. Fricano, Ph.D., AICP, Zoning Permits Section I

Attachments:

Copy of Thomas Brothers Map
Draft Conditions
Environmental Documentation
Burden of Proof Statements
Attachments
Photos
Site Plan
Land Use Map
Zone Change Map

RJF:SZD

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1. This grant authorizes the use of the subject property for an automobile service station, a restaurant and mini-mart with appurtenant parking and landscaping, as depicted on the approved Exhibit "A", subject to all of the following conditions of approval.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant and that the conditions of the grant have been recorded as required by Condition No. 8, and until all required monies have been paid pursuant to Condition Nos. 10, 11 and 12. Further, this grant shall not be effective unless and until the Board of Supervisors has adopted Zone Change Case No. 02-230-(5) and an ordinance reflecting such changes of zone has become effective.
4. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitation period. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

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The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with Section 2.170.010 of the Los Angeles County Code.

6. This grant shall expire unless used within 2 years from the date of approval. A one-year time extension may be requested in writing with the applicable fee six months before the expiration date.
7. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
8. Prior to the use of this grant, the terms and conditions of the grant shall be recorded in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee, as applicable, of the subject property.
9. This grant shall terminate on **xx x, 2024**. Entitlement to the use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning at least six months prior to the termination date of this grant, whether or not any modification of the use is requested at that time.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of **\$3,000.00**. These monies shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including adherence to development in accordance with the site plan on file. The fund provides for **twenty (20) annual inspections**. Inspections shall be unannounced

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the permittee shall be financially responsible for and shall reimburse the Department of Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment (currently \$150.00 per inspection).

11. Within five (5) days of the approval date of this grant, the permittee shall remit processing fees (**currently \$1,275.00**) payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination in compliance with Section 21152 of the California Public Resources Code and to defray the costs of fish and wildlife protection and management incurred by the California Department of Fish and Game pursuant to Section 711.4 of the California Fish and Game Code.
12. Within 30 days of the approval date of this grant, the permittee shall deposit the sum of \$3,000.00 with the Department of Regional Planning to defray the cost of reviewing the required mitigation monitoring reports and verifying compliance with the Mitigation Monitoring Program.
13. The conditions and/or changes in the project, set forth in the Mitigated Negative Declaration as necessary in order to assure that the proposed project will not have a significant effect on the environment, are incorporated herein by this reference and made conditions of approval of this grant. The permittee shall comply with all such conditions/changes in accordance with the attached Mitigation Monitoring Program. As a means of ensuring the effectiveness of such conditions and/or changes to the project, the permittee shall submit mitigation monitoring reports to the Department of Regional Planning for review and approval as frequently as may be required by the department. The reports shall describe the status of the permittee's compliance with the required project conditions/changes.
14. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.
15. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided to the satisfaction of and within the time periods established by said bureau.
16. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
17. The subject property shall be developed and maintained in compliance with the requirements of the Los Angeles County Department of Health Services. Adequate water and sewage facilities shall be provided to the satisfaction of said department.

18. All structures shall comply with the requirements of the Division of Building and Safety of the Department of Public Works.
19. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization. In the event such extraneous marking occur, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such marking shall be of a color that matched, as closely as possible, the color of the adjacent surfaces.
20. Within ninety (90) days of the approval date of this grant, the permittee shall submit to the Director for review and approval three (3) copies of revised plans, similar to Exhibit "A" as presented at the public hearing, that depict all project changes required by these conditions of approval, including the following: 1) submit sign elevations which depicts the dimensions and height of the pole sign, 2) submit elevations floor plan of the proposed structures in accordance with all development program features required by Section 22.40.050.A of the County Code, 3) handicapped loading and unloading area in accordance with County Code, two (2) spaces shall be accessible to and reserved for persons with disabilities, one (1) of which shall be van accessible, and 4) a landscaping table which depicts a minimum of two percent of the parking lot and ten percent of the 1.1-acre development area landscaped. The subject property shall be developed and maintained in substantial compliance with the approved Exhibit "A." In the event that subsequent revised plans are submitted, the permittee shall submit three (3) copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner.
21. Within sixty (60) days of the approval date adherence to development in accordance with the site plan on file of this grant, the permittee shall submit to the Director for review and approval three copies of a landscape plan, which may be incorporated into the revised Exhibit "A" described above. The landscape plan shall show the size, type, and location of all plants, trees, and watering facilities. The permittee shall maintain all landscaping in a neat, clean and healthy condition, including proper pruning, weeding, litter removal, fertilizing and replacement of plants when necessary. Watering facilities shall consist of a permanent water-efficient irrigation system, such as "bubblers" or drip irrigation, for irrigation of all landscaped areas except where there is turf or other ground cover.
22. The following development program conditions shall apply:
 - a. No building or structure of any kind except a temporary structure used only in the developing of the property according to the development program shall be built, erected, or moved onto any part of the property.

- b. No existing building or structure which is to be demolished shall be used.
 - c. All improvements shall be completed prior to the occupancy of any structures.
 - d. Where one or more buildings in the projected development are designated as primary buildings, building permits for structures other than those so designated shall not be issued until the foundations have been constructed for such primary building or buildings.
23. The construction, operation and maintenance of the proposed use shall be further subject to all of the following restrictions:
- a. All material graded shall be sufficiently watered to prevent excessive amounts of dust during the construction phase. Watering shall occur at least twice daily with complete coverage, preferably in the late morning and after work is done for the day. All clearing, grading, earth moving or excavation activities shall cease during periods of high winds (i.e. greater than 20 mph averaged over one hour) to prevent excessive amounts of dust. Any materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust;
 - b. Project construction activity, including engine warm-up, shall be limited to those hours between 7:00 a.m. and 6:00 p.m. Monday through Friday and 8:00 a.m. and 5:00 p.m. Saturday. All stationary construction noise sources shall be sheltered or enclosed to minimize adverse effects on nearby residences. Generators and pneumatic compressors shall be noise protected in a manner that will minimize noise effects to adjacent residences. Parking of construction worker vehicles shall be on-site and restricted to areas buffered from residences located to the south and east of the subject property;
 - c. The permittee shall make arrangements with the serving utilities to install underground any new facilities necessary to furnish utility service for the development;
 - d. A minimum of 26 on-site parking spaces shall be provided and continuously maintained, including two (2) spaces reserved for persons with disabilities, one (1) of which shall be van-accessible;
 - e. The required parking spaces shall be continuously available for vehicular parking only and shall not be used for storage, automobile or truck repair, or any other unauthorized uses;
 - f. The restaurant shall be for selling food for off-site consumption only. Seating or other areas for on-site consumption is strictly prohibited;

- g. Outside storage of materials, including inoperable vehicles, is prohibited on the property;
- h. All outdoor trash containers shall be covered and all trash enclosure areas shall be screened from public and private view corridors by landscaping, berms, compatible structures or walls, or a combination of these;
- i. All parking lot and other exterior lighting shall be hooded and directed away from neighboring residences to prevent direct illumination and glare, and shall be turned off within thirty (30) minutes after conclusion of activities, with the exception of sensor-activated security lights and/or low level lighting along all pedestrian walkways leading to and from the parking lot;
- j. Within sixty days of the approval date of this grant, the permittee shall submit to the Director for review and approval three copies of a lighting plan, which may be incorporated into the revised Exhibit "A" as described above. The lighting plan shall show the locations, types, and heights of all proposed pole and wall mounted lighting;
- k. The height of the all buildings shall not exceed 35'0" above finished grade;
- l. Not less than 10 percent of the 1.1-acre development area shall be landscaped;
- m. Operating hours for repair of motor vehicles at the service station are restricted to the hours between 7:00 a.m. to 9:00 p.m., Monday through Sunday. All deliveries to the subject property shall also be within these operating hours;
- n. The service facility shall not provide services such as body and fender work, painting, major engine overhaul, or transmission repair;
- o. All automobile repair and installation activities shall be conducted within an enclosed building only;
- p. No automobile awaiting repair or installation service shall be parked or stored for a period exceeding 24 hours except within an enclosed building;
- q. Automobile washing, waxing and polishing shall be accessory only to the sale of serviced vehicles and that such services shall be done by hand within an area not greater than 500 square feet;

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- r. All signage shall be maintain and develop in accordance with Part 10 of Chapter 22.52 of the County Code;
- s. Commercial uses shall be limited to those permitted in the C-3 zone;
- t. The permittee shall maintain a current contact name, address, and phone number with the Department of Regional Planning at all times;
- u. The use of an outdoor public address system, or similar acoustical device is prohibited;
- v. The permittee shall comply with all conditions set forth in the attached County of Los Angeles Department of Public Works memorandum dated October 1, 2002, except as otherwise required by said Department; and
- w. The permittee shall comply with all conditions set forth in the attached Los Angeles County Fire Department memorandum dated May 6, 2004, except as otherwise required by said Department.

Attachments:

Department of Public Works letter October 1, 2002

Los Angeles County Fire Department dated May 6, 2004

Project Changes/Conditions and Mitigation Monitoring Program

RJF:SZD